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T H E
ROMAN ANTIQUITIES
O F
DIONYSIUS HALICARNASSENSIS,

Translated into ENGLISH;

WITH

NOTES and DISSERTATIONS.

B Y

EDWARD SPELMAN, Esq.

V O L. IV.

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ROMAN ANTIQUITIES

OF

DIONYSIUS HALICARNASSENSIS.

THE NINTH BOOK.

THE following year, a dispute arising between the people, and the senate, concerning the persons, who were to be created consuls (for the latter desired that both of them should be chosen out of the aristocratical party, and the people, out of such, as were agreeable to them) after many contests, wherein they discovered each other's strength, they agreed that a consul should be chosen out of each party. And Caeso Fabius, who had accused Cassius of aiming at tyranny, was elected consul for the second time on the part of the senate, and Spurius ¹Furius on That of the people, in the seventy fifth Olympiad, Calliades being

ANNOTATIONS on the Ninth Book.

¹ Φεργιος. The Vatican manuscript calls this consul Φεργιος, but I believe it is a mistake; because the consuls of this year are thus set down in the *Fasti consulares*, K. Fabius Vibulanus 2. Sp. Furius Fufus.

VOL. IV.

E

archon

archon at Athens, and ² the same year that Xerxes undertook his expedition against Greece. They had no sooner taken possession of their dignity, but the ambassadors of the Latines came to the senate, desiring they would send to them one of the consuls with an army to restrain the insolence of the Aequi: The senate were, also, informed that all Tyrrhenia was in motion, and would, soon, declare war against them: For there had been a general assembly of that nation, in which, after many intreaties of the Veientes to assist them in the war against the Romans, a decree passed that all the Tyrrhenians, who were willing, might engage in their service: And a considerable number of volunteers were prepared to assist the Veientes. Upon this information, the senate resolved to raise forces, and that both the consuls should take the field; one to make war upon the Aequi, and to assist the Latines; and the other, to march with an army into Tyrrhenia. All this was opposed by Spurius ³ Icilius, one of the tribunes, who, assembling the people every day, demanded of the senate the execution of their promises relating to the division of the lands; and said he would suffer none of their decrees, whether they concerned military, or civil regulations, to take effect, unless they would, first, appoint the decemvirs to fix the bounds of the

² Καθ' ἓν χρόνον ἐστράτευσε Ξέρξης ἐπὶ τὴν Ἑλλάδα. See the twenty fourth annotation on the sixth book.

³ Ικίλιος. Sigonius thinks, very justly, that we must read the name of this tribune in the manner I have corrected

it, instead of Σικίλιος in the editions. For the same reason, he would have us read Icilius for Licinius, which, in the editions, is the name ² Livy gives to this tribune.

public lands, and divide them among the people, as they had promised. The senate being at a loss, and not knowing what resolution to take, Appius Claudius suggested this expedient to them, which was to consider by what means the other tribunes might dissent from Icilius, telling them there was no other method of putting a stop to the power of a tribune, who opposes, and obstructs the decrees of the senate, and whose person is sacred, and his authority legal, unless some other tribune, invested with the same dignity, and the same power, withstands him, and opposes the negative, given by the former. And he advised all succeeding consuls to do this, and to consider by what means they might, always, gain the affection, and friendship of some of the tribunes; saying, that the only method of destroying the tribunitian power, was to sow dissension among the tribunes.

II. This advice being given by Appius, and approved of by the consuls, and the rest of the men in power, they courted the tribunes so effectually, as to engage the other four in the interest of the senate: These, at first, endeavoured to persuade Icilius to desist from pressing the division of lands, till the wars they were engaged in, should be ended. But, when he rejected their solicitations with an oath, and had the assurance to utter these outrageous words in the presence of the people, that he had rather see the Tyrrhenians, and the rest of their enemies masters of the city, than dismiss the usurpers of the public lands; they thought this a fair opportunity of restraining so great an

insolence both by their words, and actions; and even the people shewing themselves not well pleased with his declaration, they said they opposed their negative; and, openly, pursued such measures, as were agreeable both to the senate, and consuls: And Icilius, being deserted by his colleagues, had, no longer, any authority. After which, the army was raised, and every thing, that was necessary for the war, was supplied, partly by the public, and partly by private persons, with all possible alacrity: And the consuls, after drawing lots for the command of the armies, presently took the field; Spurius ^a Furius, marching against the cities of the Aequi, and Caeso Fabius against the Tyrrhenians. Every thing succeeded according to the desire of Spurius, the enemy not daring to come to an engagement; so that, in this expedition, he had an opportunity of taking a great booty, both in money, and slaves: For he overrun almost all the enemy's country, carrying, and driving off every thing; and gave all the spoils to the soldiers: And, being esteemed, even before, a lover of the people, he gained their affection, still more, by his conduct in this command. And, when the season for action was over, he brought

^a Φερίος ἐπὶ τὰς Αἰκωνῶν πόλεις. ^b Livy makes *Fabius* march against the *Aequi*, and *Furius* against the *Veientes*. This Sigonius, in his notes upon this passage of Livy, says is the reading of an old manuscript. If the French translators had read this note, they would not have said that this was a modern correction. The reading Si-

^b E. ii. c. 43.

gonius contends for is, certainly, confirmed by ^c Livy, where he makes the Tyrrhenians say that the Roman consul had been deserted by his army after he had overcome the *Aequi*, which happened to Fabius, *consensu exercitus traditam ultro victoriam victis Aequis; signa deserta; imperatorem in acie relictum; injussu in castra reditum*.

^c Id. ib. c. 44.

home his army undiminished, unhurt, and enriched with spoils.

III. Caeſo Fabius, the other conſul, though he performed the duty of a general with no leſs ability, was deprived of the praiſe due to his actions, not by any fault of his own, but becauſe the plebeians were not well affected to him from the time he had cauſed Caſſius, a conſular perſon, to be condemned, and put to death for affecting tyranny: For they never ſhewed any alacrity either in thoſe things, in which foldiers ought to yield a quick obedience to the orders of their general, or when a becoming eagerneſs was requiſite to ſeize places by force, or where it was neceſſary to gain, by ſtealth, advantageous poſts, or in any thing elſe, from whence the general might derive honor, and reputation. Their uniform conduct, by which they were, continually, inſulting their general, was not very uneaſy to him, or extremely hurtful to the commonwealth: But the laſt action they were guilty of, brought no ſmall danger, and great diſgrace, to both: For the two armies coming to a general ingagement in a valley between the two hills, on which both their camps were placed, and the Romans having performed many gallant actions, and forced the enemy to give way, they reſuſed both to purſue them, notwithſtanding the repeated orders of their general, and to ſtay till they had taken the enemy's intrenchments; but, leaving a glorious action unfiniſhed, they returned to their own camp. And, when ſome of the men attempted to ſalute
the

the consul, ⁵emperor, all the rest joined in loud exclamations against him, and upbraided him with the loss of many brave men through his want of ability to command: And, after many other reproachful, and passionate expressions, they demanded of him to break up the camp, and lead them back to Rome, pretending they were unable, if the enemy should attack them, to maintain a second engagement: Neither would they hearken to the remonstrances of their general, when he endeavoured to persuade them to change their resolution; or regard his intreaties, when he lamented, and supplicated; or were terrified with the violence of his threats, when he made use of these also; but still continued exasperated notwithstanding all these attacks; and the whole army possessed with such a spirit of disobedience, and such a contempt for their general, that they got up about midnight; and, without orders, struck their tents, took their arms, and carried off their wounded.

IV. When the general was informed of this, he was forced to give the word of command for all to march; so great was his apprehension of their disobedience, and audaciousness. The men retired with as great precipitation, as if they had saved themselves by flight, and approached the city about day break. The guards, who were posted upon the walls, not knowing these were their own people,

⁵. *Ἀντοκρατορ*. This was the title of *Imperator*, conferred by the soldiers on their general after a victory, which was very different from the title of the same name granted by the senate to

^d Julius Caesar after his victory at *Munda*: The latter was given to him, and his posterity, and used by his successors.

^d Dion Cassius, B. xliii. p. 266.

ran to arms, and called to their companions, all the rest of the citizens being full of trouble, and confusion, as if some great misfortune had happened: And the guards did not open the gates to let them in, till it was broad day, and they could distinguish their own army: So that, besides the ignominy they incurred in deserting their camp, they, also, exposed themselves to great danger, in returning through the enemy's country in the dark, and without observing any order. And, if the Tyrrhenians had been informed of this, and pursued them in their return, nothing could have hindered the army from being intirely destroyed. The motive of this unaccountable retreat, or flight, was, as I have said, the hatred of the people against the general, and the envy of his honor, lest, by being adorned with a triumph, he should acquire the greatest glory. The next day, the Tyrrhenians, having intelligence of the retreat of the Romans, stripped their dead, and carried off their wounded with all the warlike stores they had left in their camp, which were in great quantity, as having been prepared for a long war; and, like conquerors, laid waste the adjacent country of the enemy, and, then, returned home with their army.

V. The succeeding consuls, Cneius Manlius, and Marcus Fabius, for the second time, being ordered by the senate to march against the Veientes with the greatest army they could raise, appointed a day for levying the forces. Tiberius Pontificius, one of the tribunes, opposing this levy, and calling upon them to put in execution the order of the senate

senate for the division of the lands, they applied themselves to court some of his colleagues, as their predecessors had done before, and divided the tribunes: And, after that, they executed the orders of the senate with full liberty. The levies being completed in a few days, the consuls took the field; each of them having with him two legions raised in the city itself, and a body not less numerous, sent by their colonies, and subjects: There came, also, from the Latines, and the Hernici, double the number of auxiliaries they had ordered. However, they did not make use of all these forces; but, giving them great thanks for their zeal, they dismissed one half of the succours they had sent. Besides, they appointed a third army, consisting of two legions of young men, to incamp before the city, with orders to guard the country, in case any other army of the enemy should, unexpectedly, make its appearance. And they left in the city such as were above the military age, who had, yet, strength sufficient to bear arms, as a garrison to defend the citadels, and the walls. After this, the consuls advanced at the head of their armies near the city of Veii, and incamped on two hills not far asunder. The enemy's army, consisting of great numbers of good troops, had, also, taken the field, and lay incamped before the city: For the men of the greatest power throughout all Tyrrhenia had joined them with their dependents; by which means, the Tyrrhenian army was, considerably, more numerous than That of the Romans. When the consuls saw the numbers of the enemy, and the lustre of their arms, they were, greatly, afraid lest their own
forces,

forces, rent with faction, might not be able to prevail over Those of the enemy, whose minds were united: For which reason, they determined to fortify their camps, and to prolong the war, in expectation of some opportunity of acting with advantage, which the assurance of the enemy, elated with an inconsiderate contempt of them, might afford. In the mean time, there were continual skirmishes, and engagements of the light armed men in small parties, but no considerable, or illustrious action.

VI. The Tyrrhenians, being uneasy at this prolongation of the war, upbraided the Romans with cowardise, since they declined coming out to fight; and, looking upon the enemy to have quitted the field to them, they grew exceedingly elated. Their contempt of the Roman army, and their scorn of the consuls were further encreased by the opinion they entertained, that they themselves were assisted even by the gods: For the lightning, falling upon the general's tent of Cneius Manlius, one of the consuls, tore it in pieces, overturned the altar, tarnished some of the arms, scorched others, and some it quite consumed: It killed, also, the finest horse belonging to him, the same he used in battle, and some of his domestics: And the augurs saying that the gods portended the taking of the camp, and the death of the most considerable persons in it, Manlius removed with his forces to the other camp about midnight, and posted himself with his colleague. The Tyrrhenians, hearing the general had decamped, and being informed, by some of the prisoners, of the reasons of that motion, grew still more

elated, from an opinion that the gods made war upon the Romans, and entertained great hopes of overcoming them : For their augurs, who are thought to have examined meteors with greater accuracy, than any other people, from whence the flashes of lightning come, what quarters receive it when it flits after the stroke, to which of the gods each kind of lightning is assigned, and what good, or evil they portend, advised them to attack the enemy, and interpreted the omen, which had happened to the Romans, in the following manner : Since the flash of lightning had fallen upon the consuls tent, which was That of the general, and utterly demolished it, even to the altar, the gods portended to their army, the demolition of their camp after it was taken by storm, and the death of the principal persons in it : If, therefore, said they, the enemy had continued in the place, where the lightning fell, and not removed their ensigns to the other army, the god, who is incensed against them, had satisfied his anger with the taking of one camp, and the destruction of one army : But, since they have endeavoured to be wiser than the gods, and removed to the other camp, deserting that place, as if the god had signified that the calamities should fall not upon the men, but upon the places, the divine wrath shall be extended to all of them, to those, who removed, and to those, who received them : And since, when it was, inevitably, portended by the gods that the other camp should be taken by storm, they had not waited for their fate, but had themselves abandoned it to the enemy ; the camp, which had received the deserters of
their

their own, should be taken by storm, instead of That which they had deserted.

VII. The Tyrrhenians, hearing these things from their augurs, sent a detachment to possess themselves of the camp, which the Romans had abandoned, with a design to make use of it, as a place of strength to annoy the other : For the situation of it was exceeding strong, and lay very convenient to cut off all communication between Rome and the enemy's camp. After they had made other dispositions also, calculated to give them an advantage over the enemy, they led out their army, and advanced into the plain : But the Romans remaining quiet, the boldest of the Tyrrhenians rode up to their camp; then, standing near it, called them all women ; and, saying that their leaders resembled the most cowardly of all animals, they abused them, and desired they would do one of these two things ; either come down into the plain, if they pretended to the title of valiant men, and decide the contest by one battle ; or, if they owned themselves to be cowards, deliver up their arms to those, who were superior to them in valor ; and, after suffering the punishment they deserved, renounce, for ever, their pretensions to all that was great. This they repeated every day ; and, when it had no effect, they resolved to draw a line of contravallation round their camp, with a design to starve them into a surrender. The consuls suffered them to go on for a considerable time ; not through any want of courage, or resolution (for they were both men of spirit, and of military accomplishments) but from a suspicion

of the unwillingness of their men to do their duty, and of their want of alacrity, which still remained in the minds of the plebeians ever since they had raised the sedition, on account of the division of the public lands: For the ears, and eyes of their generals were still astonished with the shameful actions, unworthy the dignity of the commonwealth, which the soldiers had been guilty of the former year, through their resentment to the consul, when they yielded up the the victory to the conquered, and sustained the pretended ignominy of a flight, in order to deprive their general of a triumph, the consequence of a victory.

VIII. Desiring, therefore, at once to banish sedition from the army, and to re-establish a general harmony; and, making this single point the object of all their counsels, and of all their care, since it was not in their power, by punishing some of them, to reform the rest, who were numerous, bold, and armed, or to persuade those, who were resolved not to be persuaded, they concluded that the two following motives would reclaim the seditious; that those of milder tempers (for there was a mixture of these, also, among so great a multitude) would be wrought upon by the shame of being abused by the enemy, and that such, as were not, easily, induced to tread the paths of honor, by that, which terrifies all mankind, necessity. And to effect both these, they suffered the enemy to insult them by their words, and behaviour, while they called their inaction cowardise, that, by repeated instances of scorn, and contempt, they might compel those to be brave, who were not disposed to be so of
their

their own accord : For these insults being continued, they entertained great hopes that all the soldiers would flock to the general's tent ; and, fired with resentment, and indignation, would demand of the consuls to lead them against the enemy ; which happened accordingly : For, when the latter began to barricade the gates of the camp with palisades, and ditches, the Romans, resenting the attempt, ran to the tents of the consuls, first, in small numbers, and, then, in a body ; and, crying out, accused them of treachery, and said that, if none would lead them, they themselves would take arms, and, without their commanders, fall out against the enemy. This being the general cry, the consuls thought this the opportunity they had waited for, and ordered the lictors to call the troops together, when Fabius, advancing, spoke to them as follows :

IX. “ Soldiers, and officers, your indignation at the in-
 “ sults you have received from the enemy, is flow ; and
 “ this general eagerness to attack them, by shewing itself
 “ much too late, becomes unseasonable. Then was the time
 “ for you to do this, when you, first, saw them come down
 “ from their intrenchments, and desire to begin the battle.
 “ Then would the contest for sovereignty have been glo-
 “ rious, and worthy of the Roman spirit : But now it is
 “ become necessary ; and, however successful, will not be,
 “ equally, glorious. But, even now, you do well in desiring
 “ to repair your slowness, and recover your forgotten vigor ;
 “ and great thanks are due to you for your eagerness in the
 “ pursuit of glory, if it flows from virtue : For it is better

“ to

“ to begin late to do one’s duty, than never. I wish you
“ had all the same sentiments of what is advantageous, and
“ that you were all animated with the same ardor : But
“ we are afraid lest the disgust of the plebeians against the
“ senate concerning the division of lands may be the cause
“ of great mischief to the commonwealth : And we suspect
“ that this clamor, and indignation concerning your going
“ out to the charge, do not spring from the same motive in
“ all of you : But, that some desire to go out of the camp,
“ in order to take revenge on the enemy ; and others, to
“ run away. The reasons, that have induced us to entertain
“ these suspicions, are neither divinations, nor conjectures ;
“ but plain facts, not of ancient date, but which happened
“ last year, as you all know ; when a numerous, and brave
“ army having taken the field against this very enemy, and
“ the event of the first battle proving most successful to us,
“ Cæso, the consul, and my brother, who then commanded,
“ had it in his power to take the enemy’s camp, and to
“ triumph after a most glorious victory ; when some, envying
“ his glory, because he was not a popular man, nor
“ pursued such measures, as were agreeable to the poorer
“ sort, struck their tents the night after the battle ; and,
“ without orders, fled out of the camp, not considering
“ either the danger they were exposed to in a disorderly
“ retreat, without a general, through an enemy’s country,
“ and that in the night, or the ignominy they were sure to
“ sustain in yielding, as far as in them lay, the sovereignty
“ to the enemy ; and in submitting, when conquerors, to
“ the

“ the conquered. Being afraid, therefore, tribunes, centu-
 “ rions, and foldiers, of theſe men, who are neither able to
 “ command, nor willing to obey, and who are numerous,
 “ bold, and armed, we have avoided a battle hitherto, and
 “ dare not, even now, with ſuch aſſiſtance, hazard a deciſive
 “ ingagement, leſt they obſtruct, and prejudice thoſe, who
 “ are performing their parts with all poſſible alacrity. But,
 “ if ſome god ſhould reform their inclinations, and induce
 “ them to lay aſide their diviſions, from which the com-
 “ monwealth, at this time, receives great prejudice, or to
 “ defer them till peace ſhall be reſtored, and redeem their
 “ paſſed ſhame by their preſent valor, nothing ſhall, then,
 “ hinder us from ingaging the enemy with great hopes of
 “ victory. To obtain which we have many advantages, but
 “ the moſt conſiderable, and the moſt to be conſided in is
 “ the folly of the enemy ; who, far exceeding us in the
 “ number of their forces, and, by that alone, enabled to
 “ withſtand our valor, and experience, have deprived them-
 “ ſelves of this only benefit by conſuming the greateſt part
 “ of their army in gariſons. In the next place, when they
 “ ought to act with caution and prudence in every thing,
 “ knowing what kind of men, far ſuperior to them in valor,
 “ they have to deal with, they run boldly, and inconfider-
 “ ately to the battle, as if they were invincible, and we in-
 “ timidated : This appears by their barricading the gates of
 “ our camp ; by their riding up to our intrenchments, and
 “ inſulting us ſo frequently, both by their words, and ac-
 “ tions. Conſider theſe things ; remember the many
 “ glorious

“ glorious battles, in which you have overcome them, and
“ go on with alacrity to this ingagement also: And let
“ every one of you look upon the spot, on which he shall
“ be posted, as his house, his land, and his country: Let
“ him, who saves his next man, think he saves himself;
“ and who forsakes him, conclude that he delivers himself
“ up to the enemy: But, above all, remember this, that,
“ of those who stand their ground, and fight, few are
“ slain; but of those who give way, and fly, very few are
“ saved.”.

X. While he was yet displaying these incentives to bravery, and accompanying his words with many tears, calling by name every one of the centurions, tribunes, and soldiers, who, he knew, had performed some gallant action in former battles, and promising many great rewards to such, as should distinguish themselves in this ingagement in proportion to their actions, as honors, riches, and other advantages, they all cried out to encourage him, and desired he would lead them on to the battle. As soon as he had done speaking, there came out from the throng a man, called Marcus Flavoleius, a plebeian, and bred to country work, though not of mean condition, but celebrated for his virtue, and military bravery and, on both these accounts, honoured with the most considerable command in one of the legions, which command the sixty centuries are enjoined by the law to follow, and obey: These officers are called by the Romans, in their own language, *Primipili*.

⁶ *Primipili*. This man, who, besides his other qualifications, was tall, and a comely person, standing where all might see

⁶ Πριμοπιλος. These officers were called by the Romans, *primopili*, or *primipili*. They were the first officers in a legion next to the tribunes. The reader has already seen ^e that a legion, as instituted by Romulus, consisted of 3000 foot, and 300 horse: This number was afterwards augmented; and instances may be found in ^f Livy, where the senate ordered what number both of horse, and foot each legion should consist of; which number in the war with Perseus they extended to 6000 foot, and 300 horse. ^g I have, in a former note, spoken of the *Hastati*, *Principes*, and *Triarii*, who composed the three lines of heavy armed men, in which every legion was drawn up. If I repeat it now, my reason is, because I have since found that some learned men have been misled by the word *Principes*, and from thence concluded that these constituted the first line. But this is a mistake: For they were certainly drawn up in the order they are here mentioned. If the reader pleases to turn to the 193^d page of a noble performance, the idea of a patriot king, he will find this mistake to have crept in there among a thousand beauties. But, in order to explain what our author means when he says that the *primipili* commanded the sixty centuries of every legion, it will be necessary to dissect the constituent parts of a legion. Every legion consisted of thirty divisions, called by the Romans, *ordines*, ten of the *hastati*, ten

of the *principes*, and ten of the *triarii*; each of these orders was subdivided into two centuries, consequently there were sixty centuries in every legion. The post of honor in a legion, though in the rear, was That of the *triarii*; next in rank were the *principes*; and the last the *hastati*: By this means, it happened that the lowest officer in a legion was the centurion of the tenth order, or of the twentieth century of the *hastati*, called in Latin, *decimus hastatus posterior*; and the first officer after the tribunes was the first centurion of the *triarii*, otherwise called, *primipilus*: There is a speech made by Sp. Ligustinus in ^h Livy, where he gives an account of his rising from a common foldier to the degree of a *primipilus*; which account contains a gradation, that will confirm what I have asserted; *biennium miles gregarius fui—tertio anno virtutis causâ mihi T. Quintius Flaminus decimum ordinem hastatum assignavit—hic me imperator dignum judicavit, cui primum hastatum prioris centuriæ assignaret—a Man. Acilio mihi primus princeps prioris centuriæ est assignatus—a Ti. Graccho rogatus, in provinciam ii. quater intra paucos annos primum pilum duxi*. As I have mentioned the legionary tribunes, it may be necessary to speak of their number: There were six tribunes in every legion; these were, at first, created by the generals; afterwards, that is, in the year of Rome 392, Q. Servilius Ahala, and L. Genucius being consuls, both for

^e See the sixteenth annotation on the second book.
^f See the seventh annotation on the fourth book.

^g B. xlii. c. 31.

^h See the twenty

^h B. xlii. c. 34.

him, spoke in the following manner: "Are you afraid, consuls, that our actions will not agree with our words? I will be the first to give you, in my own name, the greatest assurance for the performance of my promise: And, fellow-citizens, and partakers of the same fortune, as many of you as resolve to support your words by your actions, you will not err in following my example." Having said this, he held up his sword, and took the oath in use among the Romans, and esteemed by them the most sacred of all others, by engaging his own faith, That he would return to Rome victorious, or not at all. After Flavoleius had taken this oath, they all gave him great applause: And, presently, both the consuls did the same, as did, also, the inferior officers, the tribunes, and centurions, and, last of all, the soldiers. This being done, they all felt great alacrity, great friendship for one another, confidence, and spirit: And, going from the assembly, some bridled

the second time, a law passed, by which this power was transferred from the generals to the people; ¹ *et quum eo anno primum placuisset tribunos militum ad legiones suffragio fieri (nam et antea sicut nunc, quos rufulos vocant, imperatores ipsi faciebant) secundum in sex locis tenuit (T. Alanlius.)* This power was, upon some occasions, restored to the generals by the consent of the people. However, we find ², by the last passage of Livy, that the generals were possessed of it in his time: Which is not to be wondered at, since Augustus would certainly not have suffered the

people to chuse the principal officers of an army, raised and maintained to perpetuate their slavery.

³ Τὴν ἀπαρχὴν ἐαδὼς πρὶν. The Latin translators have rendered this, *bona fides*. I have never met with this oath in any Roman author; which I am surpris'd at, since Dionysius says it was, among the Romans, the most binding of all oaths. ⁴ Livy makes Flavoleius swear by Jupiter, Mars, and the other gods; *Si fallat, Jovem patrem, Martemque Alentem, aliosque fratres invocat deos*.

¹ Livy, B. vii. c. 5.

² Id. ib.

³ B. ii. c. 45.

their

their horses; others sharpened their swords, and spears; and others cleaned their defensive arms: And, in a short time, the whole army was ready for the battle. The consuls, after invoking the gods by vows, sacrifices, and prayers, to be their guides in falling forth, led the army out of the camp in a proper disposition, and order. The Tyrrhenians, seeing them quit their intrenchments, were surpris'd at it, and marched out with their whole army to meet them.

XI. When both armies were come into the plain, and the trumpets had sounded a charge, they gave a shout, and engaged: And, the horse charging the horse, and the foot closing with the foot, they fought; and great was the slaughter on both sides. The right wing of the Romans, commanded by Manlius, one of the consuls, repuls'd that part of the enemy, that stood opposite to them; and the horsemen, quitting their horses, fought on foot. But their left was surrounded by the right wing of the enemy: For the line of the Tyrrhenians on this side outflank'd That of the Romans, and was considerably deeper: The troops of the latter, therefore, were broken in this part, and many wounded: This wing was commanded by Quintus Fabius, who was, then, ^s legate, and proconsul, and had been twice

*. Πρεσβυτης. In Latin *Legatus*, the next officer to the consuls. I chuse to call this officer *a legate* rather than *a lieutenant*, with le Jay, or *a lieutenant-général*, with M.* * *, as I before said: For, if we are to give modern names to all the military establishments of the Romans, we must, by the same rule, call a legion, a regiment. Le Jay has

translated πρεσβυτης, *propréteur*, because Portus has rendered it so; however, both le Jay, and his guide are mistaken: For a consul, after the expiration of his magistracy, might indeed be a proconsul, but never a *propraetor*, which was a title peculiar to those, who had arrived to no higher dignity than to That of praetor; and

consul: He maintained the fight a long time, and received wounds of all kinds; till, being struck in the breast with a spear, the point of which pierced his bowels, he fell through loss of blood. When Marcus Fabius, one of the consuls, who commanded in the center, was informed of this, he took with him the best of his foot, and, calling to Caeso Fabius, his other brother, to follow him, he passed before his own line; then, advancing a considerable way, when he had got beyond the enemy's right wing, he turned upon those, who were ⁹surrounding his men; and, charging them, he made a vast slaughter of all he encountered, and put to flight those who were at a distance: And, finding his brother, still breathing, he took him up: However, he died presently after. The desire of revenging his death inflamed the two brothers, still more, against the enemy; and, regardless now, of their own life, they rushed with a few among the thickest of them, and made large heaps of their dead bodies. Here the Tyrrhenian army suffered; and those who, before, had forced the enemy to give ground, were, now, repulsed by the conquered. But, in the left wing, where the Tyrrhenians, opposed to Manlius, were already spent, and beginning to run away, they put to flight those they were engaged

Q. Fabius had, we see, been twice consul. M. * * * has not translated *απισταῖν* at all, because Sylburgius has omitted it.

⁹ Κυκλόμενος. This word must be taken actively in this place, and relates to the Tyrrhenians, who were surrounding the Romans; which is plain from the following sentence, *εμπισαν*

δε αὐτοῖς, etc. However, Sylburgius, and consequently M. * * * have taken it passively. This obliged the former to say in the next sentence, *in hostes irruens*, and the latter to explain these words, by *il fond sur les Tyrrhéniens*; neither of which are in the Greek text, where, as our author has used *κυκλόμενος* actively, they are not wanted.

with:

with : For Manlius being wounded in the knee with a javelin, the point of which reached to his ham, those about him took him up, and carried him to the camp. The enemy, thinking the Roman general slain, took heart, and the rest coming to their assistance, they pressed hard upon the Romans, who, now, had no commander. This obliged the two Fabii to quit the left wing, and fly to the relief of the right : And the Tyrrhenians, seeing them advance in a strong body, gave over the pursuit. However, they doubled their files, and fought in good order ; and, losing a great number of their own men, they killed, also, many of the Romans.

XII. In the mean time, the Tyrrhenians, who had possessed themselves of the camp abandoned by Manlius, as soon as the signal was given by their general, ran with great expedition, and alacrity to the other camp of the Romans, from an opinion that it was not guarded with a sufficient force ; neither was their opinion groundless : For, besides the ¹⁰ Triarii, and some young men, the rest of the number then in the camp, consisted of merchants, servants, and artificers : And many being crowded into a small place (for the battle was at the gates of the camp) a sharp, and severe engagement ensued, and several fell on both sides. In this action, Manlius, the consul, coming out with the cavalry to the relief of his men, his horse fell, and he falling with him, and being unable to rise through the number of his wounds, he died ; and many brave young men were slain by his side. After this misfortune, the camp was soon taken : And the

¹⁰ Τριταριων. See the twenty seventh annotation on the fourth book.

Tyrrhenian prophecies were fulfilled: If, therefore, they had made a proper use of their present good fortune, and secured the camp, they had remained masters of the enemy's baggage, and forced them to a shameful retreat: But, instead of that, by amusing themselves with plundering what was left, and taking refreshment, as most of them did after the action, they suffered a fine booty to escape out of their hands: For, as soon as the other consul heard the camp was surprised, he hastened thither with a body of chosen men, both horse, and foot. The Tyrrhenians, being informed of his arrival, lined the intrenchments quite round the camp; and a sharp battle was fought, while these endeavoured to recover their own, and the others were afraid of being all put to the sword, if the camp was taken. The action lasting a considerable time, and the Tyrrhenians having many advantages (for they stood upon an eminence, and had to do with men spent with fighting the whole day) Titus Sicinus, the legate, and proconsul, after communicating his design to the consul, ordered a retreat to be sounded, and that all the men should assemble in one body, and assault that side of the camp, which was the weakest. He gave over the attack of those parts next the gates from a reasonable consideration, that did not deceive him; which was, that, if the Tyrrhenians had a prospect of

¹¹ Σικινος. The Vatican manuscript has Σικιδιος, and Lapis and Gelenius Σικινιος. As our author calls him Aquilius in the year 267. ful, I suppose him to be the same person, who was ^m consul with C.

αντισταληγον, which I translate procon-

^m See the eighth book, c. 64.

safety,

safety, they would abandon the camp ; whereas, if they despaired of it, by seeing themselves invested on all sides, and no way left to escape, necessity would make them brave. The attack, therefore, being directed against one place only, the enemy, no longer resisted ; but, opening the gates, saved themselves by retiring to their own camp.

XIII. The consul, after he had dispelled this mischief, returned to the assistance of those, who were in the plain. This battle is said to have been the most considerable the Romans had, till then, been engaged in, with regard to the numbers of the combatants, the time it lasted, and the sudden turns of fortune : For their army consisted of about twenty thousand foot, all inhabitants of Rome, the flower, and choice of their youth ; of twelve hundred horse appointed to the four legions ; and of the same number from their colonies, and allies. The battle began a little before noon, and lasted till sun set ; and the fortune of it continued long in suspense ; and, by inclining sometimes to this side, and sometimes to that, dispensed victories, and defeats to both : One of the consuls was slain, with a legate, who had himself been twice consul, and a greater number of other officers, tribunes, and centurions, than had, ever before, been killed in one action. However, the Romans seemed to have had the victory, for no other reason, than because the Tyrrhenians decamped the following night. The next day, the former plundered the camp, which the Tyrrhenians had abandoned ; and, having buried their dead, returned to their own : Where, in an assembly of the soldiers, they
distri-

distributed to those, who had distinguished themselves in the battle, the honors due to their valor. First, to Cæso Fabius, the consul's brother, who had performed great, and wonderful exploits ; next, to Sicinus, who had given occasion to the recovery of their camp ; and, in the third place, to Marcus Flavoleius, the primipilus, on account both of the oath he had taken, and the bravery he had shewn in the midst of dangers. After this was done, they staid a few days in the camp ; and, no enemy appearing to give them battle, they returned home. At Rome, all being desirous to honour the surviving consul with a triumph, in consideration of the most glorious event, in which the greatest battle they ever fought, had terminated, he himself refused this honor, alledging that it was neither pious, nor lawful for him to triumph, and wear a crown of laurel after the death of his brother, and the loss of his colleague. Having, therefore, laid up the ensigns, he discharged the soldiers ; and, though two months yet remained to complete his year, he abdicated the consulship, as incapable of performing the functions of that magistracy : For he was still exceeding ill of a large wound, and obliged to keep his bed.

XIV. Upon this, the senate chose interreges to preside at the election of magistrates, and the second interrex having assembled the people in the plain, Cæso Fabius was created consul for the third time, the same who had been the first man honoured for his bravery in the last action, and brother to the person, who had abdicated that magistracy ; and, with him, Titus Virginus. These, having drawn lots for the com-

command of the armies, took the field: Fabius marching against the Aequi, who, then, annoyed the territories of the Latines; and Virginius against the Veientes. The former, when they heard that the army was preparing to invade them, presently evacuated the enemy's country, and returned to their own cities; after which, they suffered their territories to be pillaged: So that, the consul, as soon as he entered them, possessed himself of large sums of money, many slaves, and a great booty. But the Veientes staid, at first, within their walls, till, finding a proper opportunity, they fell upon the enemy, as they were dispersed about the country, and employed in plundering: And, attacking them with a numerous army in good order, they, not only, took away their booty, but, also, killed, or put to flight all who durst oppose them: And, if Titus Sicinus, who was then legate, had not come up to their relief with a body of foot, and horse in good order, and put a stop to the progress of the enemy, nothing could have hindered the army from being, totally, destroyed: But he giving them a check, the rest of the troops, which had been dispersed, presently got together; and, being now all in a body, they possessed themselves of an eminence when it was late in the evening, and continued there the following night. The Veientes, elated with this success, stood to their arms at the foot of the eminence, and sent for the forces in the city, imagining they had shut up the Romans in a place, where they could get no provisions; and that they should, soon, force them to deliver up their arms. Their numbers being now

considerably encreased, they formed two armies, and posted them opposite to the sides of the eminence, that seemed the weakest; and, against the stronger parts, they placed many smaller detachments: So that, every place was full of armed men. The other consul, being informed by the letters of his colleague, that the army, which was shut up on the hill, was reduced to the last extremity, and in danger of being taken by famine if they were not relieved, decamped, and marched against the Veientes with all expedition; and, if he had come but one day later, his arrival would have been ineffectual, and he had found the army there, utterly, destroyed: For those, who were upon the hill, being oppressed with the want of necessaries, were come down, resolving to die in the most glorious manner: And, having engaged the enemy, they were, then, fighting; the greatest part of them being oppressed with hunger, thirst, want of sleep, and every other evil. After a short time, when the army of Fabius, which was very numerous, was seen coming up in order of battle, they brought confidence to their own people, and terror to the enemy; who, not thinking themselves able to encounter a brave and fresh army, retired, and abandoned their camps. After the two armies of the Romans were joined, they formed a large camp in an advantageous place, near the city of the Veientes; and, having continued there several days, and plundered the best part of their country, they returned home. As soon as the Veientes heard that the forces of the Romans were disbanded, they marched with such of their own youth, as were prepared for expedition, and

and already assembled, and That of their neighbours, which was then present, and made an incursion into the plains, that lay contiguous to their own territories; and these being full of corn, cattle, and men, they plundered them: For the husbandmen had come down from the places of strength, in order to get feed for their cattle, and till their lands, depending upon the protection of their own army, which then lay encamped between them, and the enemy: And, after this army was retired, they had made no haste to return with their herds, as not expecting the Veientes, after such repeated defeats, would be so soon in a condition to make an attempt, in their turn, against the enemy. This irruption of the Veientes into the Roman territories was indeed short, with respect to the time it lasted; but of the greatest consequence, in regard to the large tract of land they overrun; which gave the Romans an unusual concern mixed with shame, the enemy advancing as far as the river Tiber, and mount Janiculum, which is not even twenty stadia from Rome: And there were no forces, then, on foot to stop their further progress: For the Veientes came upon them before the Roman army could be got together, and divided into companies.

XV. Upon this, the consuls assembled the senate; and, after considering in what manner the war should be carried on against the Veientes, it was the opinion of the majority to keep an army constantly assembled upon the frontiers, which should guard the entrance into the Roman territories, and always continue in arms: But the expence of maintaining

these guards, which would be very considerable, made them uneasy, the public treasury being exhausted by the continual expeditions they had been engaged in, and their private fortunes wasted in furnishing contributions: And their uneasiness was still increased by the consideration of the manner, in which the guards, proposed to be sent, should be raised; there being little probability that any particular persons would, voluntarily, expose themselves in the defence of all, and, without being succeeded by others, undertake a continual fatigue. While the senate were anxious on both these accounts, the two Fabii assembled all those of their family; and, having consulted with them, they promised the senate that they themselves would, voluntarily, undertake this danger in defence of all the citizens; and, with their clients and friends, and at their own expence, continue in arms as long as the war lasted. All admired their generous zeal, and placed their hopes of victory in this single action; and the whole city celebrating their praise, and offering up vows, and sacrifices for their success, they took their arms, and went out. They were commanded by Marcus Fabius, who had been consul the preceding year, and overcame the Tyrrhenians in the last action: Their number consisted of about four thousand, the greatest part of whom were their clients, and friends; and, of the Fabian family, three hundred and six persons. They were soon after followed by the Roman army under the command of Caeso Fabius, one of the consuls.

consuls. When they came near the river ¹² Cremera, which is not far from the city of the Veientes, they built a fortress upon a steep and craggy hill, of strength sufficient to be defended by so numerous a garrison, surrounded it with a double ditch, and fortified it with many towers: The fortress was called Cremera from the river. As many hands were employed in this work, and the consul himself assisted them, it was finished sooner than could have been expected. After that, the consul marched out of the fortress with his army, and went to the opposite side of the country of the Veientes, that lies next to the other part of Tyrrhenia, where the Veientes kept their herds, not expecting that a Roman army would ever penetrate into that country; and, having possessed himself of a great booty, he caused it to be transported to the new erected fortress; which booty gave him great pleasure for both these reasons; the first, that he had taken a swift revenge on the enemy; and the other, that he should supply the garrison with every thing they wanted, in great abundance: For he neither brought any part of the spoils to the treasury, nor divided any to the soldiers, who served under him; but granted all the cattle, the beasts of burden, the yokes of oxen, the iron, and the other instruments of husbandry, to the guards of the Roman territories. After he had performed these things, he returned home with the army.

¹² Κρεμυσα. This river rises out of the lake Baccanensis, now called *Baccano*, and falls into the Tiber on the Tuscan or west side. This river is now called ^b *la Varca*, or *la Palca*; near the south side of which stood the fortress about five Roman miles from Rome.

^a Cluver, Ital. Antiq. B. ii. p. 556.

The Veientes found themselves in great streights after this fortress was erected to awe their country : Since, from this time, they could neither till their land with security, nor receive any provisions imported from abroad : For the Fabii had divided their army into four bodies ; one of which they left as a guard to the fortress ; and, with the other three, they, continually, harraſſed the enemy's country : And, whether the Veientes attacked them, openly, with a considerable force, which often happened, or endeavoured to draw them into an ambuſh, the Fabii had the advantage in both ; and, after killing many of them, retired in ſafety to the fortress : So that, the enemy durſt, no longer, encounter them ; but continued ſhut up within their walls during the greateſt part of the time, and only ventured out by ſtealth. And thus ended that winter.

XVI. The following year, Lucius Aemilius, and Caius Servilius being conſuls, the Romans were informed that the Volſci, and the Aequi had entered into an agreement to attack them at the ſame time ; and that it would not be long before they made an irruption into their territories. This information was true : For each of theſe people marched ſooner than could have been expected into that part of the Roman territories, that lay contiguous to their own, and laid it waſte ; as thinking it impoſſible that the Romans would be able to ſupport themſelves under the Tyrrhenian war, and to repulſe them. At the ſame time, they received intelligence from others that all Tyrrhenia was upon the point of declaring war againſt them, and preparing to ſend joint ſuccours to the Veientes :

Veientes: For these, finding themselves unable to destroy the fortrefs by their own strength, had fled to them, putting them in mind of the relation, and friendship, that was between them; and enumerating the many wars they had maintained with united forces. In consideration of all these things, they desired they would assist them in the war against the Romans, they being, by their situation, as a barrier to all Tyrrhenia, and an obstacle to the torrent of the war, which, in its course from Rome, would overwhelm their whole country. The Tyrrhenians, prevailed upon by these reasons, promised to send them as great a number of auxiliaries, as they desired. The senate, being informed of this, resolved to send three armies into the field: And these being soon levied, Lucius Aemilius was sent against the Tyrrhenians; Caeso Fabius, who had lately abdicated the consulship, went with him, having obtained leave of the senate to join his relations at Cremera, whom his brother had conducted to the fortrefs, as a garrison, and to partake of the same dangers with them; and, being honoured with the dignity of proconsul, he set out with his dependents: Caius Servilius, the other consul, marched against the Volsci: And Servius Furius, the proconsul, against the Aequi. They had each two Roman legions, and the same number of Latines, Hernici, and their other allies. The war, to which Servius the proconsul was appointed, succeeded according to his wish, and was soon over: For, in one battle, he totally defeated the Aequi, and that without any trouble, having terrified them at the first onset; and they taking refuge in
their

their strong places, he employed the rest of his time in laying waste their country. But Servilius, one of the consuls, having engaged the Volsci with precipitation, and rashness, found himself much deceived in his expectation, the enemy making a very stout resistance: So that, after losing many brave men, he was forced to refrain from fighting; and resolved to continue in his camp, and to prolong the war by skirmishes, and engagements of the light armed men. Lucius Aemilius, who had been sent against Tyrrhenia, finding the Veientes incamped before their city, together with a great number of auxiliaries of the same nation, he resolved to fight without delay; and, staying but one day after he had formed his camp, he led out his army to the engagement, and was received by the Veientes with great resolution: The battle continuing doubtful, Aemilius put himself at the head of the horse, and charged the right wing of the enemy; and, having disordered them, he went to the other wing; fighting on horseback, where the ground would allow it, and, where it would not, on foot: Both the enemy's wings being, now, broken, the center, no longer, stood their ground, but was forced by the Roman foot; and, after that, they all fled to their camp. Aemilius followed them close with his army in good order, and killed many of them. When he came to the camp, he attacked it by a succession of fresh troops, and staid there all that day, and the following night. The day after, the enemy being spent with labor, with wounds, and want of sleep, he made himself master of their camp: For the Tyrrhenians, when they saw the
Romans

Romans mount the palifades, left their camp, and fled, some to the city, and others to the neighbouring hills. That day the consul staid in the enemy's camp: And the day after, he rewarded those, who had distinguished themselves in the actions, with magnificent presents, and gave to the soldiers all the beasts of burden, and slaves the enemy had left in the camp, together with the tents, in which there was a great quantity of riches. By which means, the Roman army found themselves in greater opulence, than from any former battle: For the Tyrrhenians were, even then, a luxurious and expensive people, both at home, and in the field, and carried with them, besides necessary things, implements of pleasure, and luxury of all kinds, curiously wrought, and enriched.

XVII. The following days, the Veientes, now broken with their misfortunes, sent the most ancient of their citizens, with the ensigns of suppliants, to the consul to treat of a peace: These, lamenting, and intreating, and, with many tears, urging every motive, that could move compassion, prevailed on him to let them send ambassadors to Rome, in order to treat with the senate concerning peace; and, in the mean time, and untill the ambassadors returned with the senate's answer, to do no injury to their country. And, to obtain these concessions, they promised to supply the Roman army with corn for two months, and with their pay for six, as the conqueror had commanded. The consul, after he had received the contributions agreed on, and divided them among his men, consented to the truce. The senate, having heard the ambassadors, and received the letters

of the consul, in which he earnestly desired, and recommended to them to put an end to the war with the Tyrrhenians as soon as possible, came to a resolution to grant them peace, as the enemy had desired; and that Lucius Aemilius, the consul, should settle the terms of that peace in such a manner, as he should think fit. The consul, having received this answer, concluded a peace with the Veientes, with greater lenity to the conquered, than advantage to the conquerors: For he neither took from them any part of their country, nor imposed any further contributions on them, nor compelled them to give hostages, as a security for the performance of their agreement. This proceeding exposed him to great censure, and was the occasion of his not receiving from the senate the reward due to his success: For, when he requested the triumph, they opposed it, and objected to him the arrogance he had been guilty of in making the last treaty, which he had concluded without their concurrence: But, lest he should think this opposition proceeded from anger, or contumely, they ordered him to march with his army against the Volsci to the assistance of his colleague, giving him, by that means, an opportunity, if he succeeded in that war (for he was a very brave man) of extinguishing their resentment for his former errors. But Aemilius, exasperated at this disgrace, inveighed, violently, against the senate in the assembly of the people, accusing them of being displeased that the war against the Tyrrhenians was ended; and this, he said, proceeded from their contempt of the poor, and from an insidious design against them, lest,
when

when freed from foreign wars, they should demand the performance of their promises concerning the division of the lands, with which they had been amused by them for so many years. After he had gratified his ungovernable repentment by laying himself out in these, and the like reproaches against the patricians, he, not only, disbanded the army he himself had commanded, but sent for the forces, that lay incamped in the territories of the Aequi under the command of Furius, the proconsul, and dismissed them likewise: By which, he administered a fresh occasion to the tribunes to accuse the senate in the assemblies of the people, and to sow dissension between the poor, and the rich.

XVIII. These consuls were succeeded by Caius Horatius, and Titus Menenius, in the seventy sixth Olympiad, at which Scamander of Mitylene won the prize of the stadium, Phaeton being archon at Athens. These were, at first, hindered from performing the functions of their magistracy by a popular tumult, the people being exasperated, and not suffering any public affair to be transacted, till there was a distribution made of the public lands. But, afterwards, these commotions, and disturbances gave way to necessity, and the people came in, voluntarily, to be inrolled: For the eleven nations of the Tyrrhenians, which had not been comprised in the peace, holding a general assembly, accused the Veientes for having put an end to the war with the Romans without the general consent of the nation, and desired they would do one of these two things, either cancel the agreement they had made with the Romans, or make

war against the Tyrrhenians in conjunction with the former. On the other side, the Veientes transferred the accusation upon the necessity they had been under to make peace, and desired the assembly to consider by what means they might break it with decency. Upon this, one of the assembly suggested this expedient to them, which was, to complain of the erecting the fortrefs of Cremera to annoy them, and that the Romans had not withdrawn the garrison from thence: Then, to persuade them to evacuate the place; and, if they refused, to besiege it, and make that enterprize the beginning of the war. These points being settled, they left the assembly; and, not long after, the Veientes sent ambassadors to the Fabii to demand the fortrefs; and all Tyrrhenia was in arms. The Romans, being informed of these things by the Fabii, resolved that both the consuls should take the field; one to command in the war, that was coming upon them from Tyrrhenia; and the other to prosecute That, which was, already, begun with the Volsci. Horatius, therefore, marched against the Volsci with two legions, and a sufficient number of their allies: And Menenius was preparing to march against the Tyrrhenians with the same number of forces: But, while he was making his preparations, and losing time, the fortrefs of Cremera was taken, and the family of the Fabii destroyed. There are two accounts concerning the misfortune, that befell these persons: one, less probable; the other, coming nearer to the truth: I shall give them both, as I have received them.

XIX. Some say that, at the time appointed for a customary sacrifice peculiar to the Fabian family, they went out of the fortress, attended with a few clients, to perform this sacrifice; and advanced without ordering the roads to be visited, or marching in a regular manner under their ensigns, but negligently, and unguarded, as in time of peace, and as if they were going through the territories of their allies: And that the Tyrrhenians, being previously informed of their design to go out of the fortress, placed one part of their army in ambush upon the road, and followed them, soon after, with the other in good order; and, when the Fabii came near the ambush, the Tyrrhenians, who were placed there, discovered themselves, and attacked them, some in front, and others in flank; and, not long after, the rest of the Tyrrhenian army fell upon their rear; and, encompassing them on all sides, they overwhelmed them with a shower of stones, arrows, darts, and javelins, and put them all to death. This account appears to me the least probable: For it cannot either be supposed that so many persons actually upon duty, would have ventured to return from the camp to the city on account of a sacrifice without leave from the senate, when this sacrifice might have been performed even by others of the same family, who were more advanced in years; or, if they were all at Cremera, and no part of the Fabian family left at home, was it probable that all, who garrisoned the fortress, should abandon it; since, if three, or four of them had returned to Rome, they would have been enow to perform the sacrifice for the whole family: For these reasons, there-

therefore, to me this account does not seem to be credible.

XX. The other, relating to the destruction of the Fabii, and the taking of the fortress, which, in my opinion, comes nearer to the truth, is this : As they went out, frequently, to pillage the country, and advanced still further as their success encouraged them, the Tyrrhenians assembled a numerous army, and incamped in the neighbourhood, unperceived by the enemy : Then, sending out of their strong places, flocks of sheep, herds of oxen, and studs of mares, in appearance to pasture, they allured them with these : Upon which, the garrison, coming out, seized the herdsmen, and drove away the cattle. The Tyrrhenians doing this often, and drawing the enemy still further from their camp, after they had extinguished in them all regard to their security by inticing them with a constant booty, they, in the night, placed ambuscades in proper places, and others possessed themselves of the eminences, that commanded the plains. And, the next day, sending some armed men, as if designed for a guard to the herdsmen, they drove out a great number of herds from their fortresses. As soon as the Fabii had intelligence that, if they passed over the neighbouring hills, which they might soon do, they would find the plain covered with cattle of all sorts, and no sufficient guard to defend them, they went out of the fortress, leaving a competent garrison therein : And, marching with speed, and alacrity, they soon came to the place, and presented themselves before the guards of the cattle in good order :
These

These never staid to be attacked, but fled immediately. And the Fabii thinking themselves now secure, made the herdsmen prisoners, and carried off the cattle. In the mean time, the Tyrrhenians, rising up from their ambuscades, appeared in many places, and fell upon them on all sides. The greatest part of the Romans, being dispersed, and unable to assist one another, were killed upon the spot : But those who were in a body, endeavoured to gain some secure place ; and, hastening to the hills, fell into another ambuscade, that lay concealed in the woods, and vallies. Here a sharp battle was fought, and great was the slaughter on both sides : However, the Romans beat these also ; and, having filled the valley with dead bodies, ran up to the top of a hill not easy to be taken ; where they passed the night in want of every thing.

XXI. The day after, those, who had been left to guard the fortrefs, being informed of the misfortune of their companions, that the greatest part of the army had been destroyed in their pursuit of plunder, and that the bravest of them were besieged, and shut up on a desert mountain, and, if not presently relieved, would soon be taken through the want of provisions, went out in all haste, leaving very few of their men to guard the fortrefs. These the Tyrrhenians, falling out from their strong places, intercepted before they could join their companions ; and, surrounding them, they, at last, put them all to death, after they had performed many brave actions. Not long after, those also, who had possessed themselves of the hill, being oppressed both with
hunger,

hunger, and thirst, resolved to charge the enemy: And a few engaging with many, they continued fighting from morning to night, and made so great a slaughter of the enemy, that the heaps of dead bodies, dispersed in many places, were a hindrance to them in fighting. By this time, the Tyrrhenians had lost above a third part of their army; and, fearing to lose the rest, gave the signal for a short cessation of arms; and, sending heralds to the Romans, offered them their lives, and a free passage to Rome, if they would lay down their arms, and evacuate the fortress: But they refusing these conditions, and chusing a glorious death, the Tyrrhenians renewed the fight by turns, and no longer closed with them, but assailed them with a shower of javelins, and stones at a distance, which fell upon them as thick as hail: The Romans, forming deep files, rushed upon the enemy, who did not stand their ground, while the others supported themselves under the many wounds they had received from those, who stood round them. When several of their swords were become useless, some being blunted, and others broken, the borders of their shields hacked in pieces, and they themselves for the most part bloodless, and overwhelmed with missile weapons, and their limbs relaxed through a multitude of wounds, the Tyrrhenians despised them, and came to close fight. And the Romans, running furiously at them like wild beasts, grasped their spears, and broke them; and, laying hold on the edge of their swords, wrenched them out of their hands; then, twining round their bodies, threw them to the ground, and fell with them, thus continuing
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the fight with greater rage, than strength: So that, the enemy, astonished at their perseverance, and terrified at the fury they had borrowed from despair, ventured, no longer, to fight with them hand to hand; but, retiring again, they all at once threw at them, sticks, stones, and every thing else they could meet with; and, at last, overwhelmed them with the multitude of missile weapons. After they had put them to death, they ran to the fortrefs, carrying with them the heads of the most considerable persons, and not doubting but they should make the garrison prisoners at their first appearance; however, this attempt did not succeed according to their expectation: For the men, who had been left there, emulating the glorious death of their friends, and relations, came out of the fortrefs, though very few in number; and, after fighting a considerable time, were all put to death, in the same manner as the others: And, when the Tyrrhenians took the place, they did not find a man in it. This account appears to me much more credible than the former: However, both of them are to be found in Roman histories of good authority.

XXII. But there is a circumstance added by some to this relation, which, though ¹³ neither true, nor probable, but formed by the vulgar from some report, I have not thought

¹³ Οὐτε αὐτὸς οὐκ, εἰς πῶλλον. I find by a note in M. * * *, that ^o Perifonius is of a different opinion from our author in this respect: As I neither have, nor can get a sight of, Perifonius in the country, I must refer the reader

to him; and shall only add, that it is a very dangerous thing for modern writers, with fewer materials, and less parts, to contradict ancient authors of acknowledged authority.

^o Animad. Hist. c. 5.

proper to pass by without examination: For it is said by some that, after the three hundred and six Fabii were slain, there was only one young son left of the whole family: Which is a thing, not only, improbable, but, even, impossible; since it is not possible that all the Fabii, who went out of Rome to the fortrefs, should have been all childless, and unmarried: For there was an old law among the Romans, that obliged all of a proper age, both to marry, and to bring up all their children: And the Fabii would not have been the only persons to violate a law, which had been observed by their ancestors to their time. But, if any one would allow even That, yet he could never grant this also, that none of them had any brothers, who were then children. These things resemble fables, and theatrical fictions. Besides, would not as many of their fathers as were still of an age to beget children, after so great a desolation of their family, both willingly, and unwillingly, have begotten other children, to the end that neither the sacrifices of their ancestors might be abandoned, nor so great a reputation of the family extinguished? ¹⁴ But, if none even of their fathers were left, and the whole family was included in those three hundred and six persons, yet is it impossible that none of these should have left either infants behind them, wives with child, or

¹⁴ Εἰ μὲν ἀρχὴ δὲ πολλοὶ ἀνδρῶν τινα εἰσιπύοντο. I am surpris'd that none of the translators saw the absurdity of this reasoning; that is, if the text is not corrupted, which I much suspect. Our author first supposes that none of their fathers were left, and then says

that it is impossible none of the Fabii should have left either infant children, wives with child, brothers, *or fathers*: These last words, therefore, I have omitted in the translation. Le Jay has left them out in both places.

brothers too young to bear arms. When, therefore, I consider this circumstance in the light I have mentioned, I do not think it true: But this I think true; that, of the three brothers, Cæso, Marcus, and Quintus, who had been consuls seven years successively, Marcus alone left a son, who was then an infant; and nothing hinders this son from being the same, who is said to have been left of the Fabian family: And, because this son, when he came to be a man, was the only famous, and illustrious person of those who survived, the generality of mankind entertained this opinion that he was the only one left of the Fabian family; not, that no other was left, but none like the Fabii; and they judged of their relation to that family by virtue, not birth. But I have said enough of these things.

XXIII. After the Tyrrhenians had put these men to death, and made themselves masters of the fortress of Cremera, they marched against the other army of the Romans: For Menenius, one of the consuls, lay incamped not far off in an insecure post: And, when the family of the Fabii, and their clients were cut off, he was only thirty stadia from the place, where that misfortune happened: Which gave many people reason to believe that, though acquainted with the distress of the Fabii, he had taken no care of them, from the envy he bore to their virtue, and glory. For which reason, when he was, afterwards, brought to his trial by the tribunes, this was the chief cause of his condemnation: For the Roman people greatly lamented the loss of so many brave men; and were severe and inexorable to all, whom they

suspected to have occasioned their calamity. They look upon the day, on which that defeat happened, as black and inauspicious; and will begin no good work on that day, esteeming the misfortune of it as ominous. When the Tyrrhenians advanced near the Romans, and observed the situation of their camp, which lay under the side of a hill, they despised the inexperience of their general, and willingly laid hold on the advantage presented to them by Fortune: They, presently, marched up the opposite side of the hill with their horse, and gained the summit without opposition. Then, having possessed themselves of the eminence, that commanded the camp of the Romans, they stood to their arms, secured the ascent of the rest of their army, and formed their own camp, which they fortified with high palisades, and a deep ditch. If, therefore, Menenius, after he was sensible of the advantage he had given the enemy, had corrected his error, and removed his army to a more secure post, he had acted wisely; but, being ashamed to be thought to have erred, and continuing obstinate to all, who advised him to alter his measures, he drew upon himself a misfortune, that deservedly covered him with ignominy: For, as the enemy were, constantly, sending out detachments from those places, that commanded the camp of the Romans, they had great advantages in surprising the convoys, which the merchants were bringing thither, and in attacking their men, as they went out for forage, or water: And, at last, the consul had it not in his power to chuse either the time, or place of combat; which seems to be a great argument of the
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incapacity of a general : Whereas, the Tyrrhenians had the command of both. And, even then, Menenius would not suffer the army to remove from thence ; but, leading out his men, he drew them up with a design to fight, in contempt of all who suggested advantageous counsels. The Tyrrhenians, looking upon the folly of this general as a great happiness, came down from their camp, being double in number to the enemy. When they engaged, there was a great slaughter of the Romans, who were unable to keep their ranks : For the Tyrrhenians forced them out of the line, as having, not only, the advantage of the ground, but, also, That of being pushed forward with violence by those, who stood behind them ; for their army was drawn up with a great depth. The most considerable, therefore, of the centurions being slain, the rest of the Roman army gave way, and fled to the camp : The others pursued them, took their ensigns, and made themselves masters both of their wounded, and dead : Then, shutting them up in their camp, they besieged them there ; and, continuing the attack of it all the rest of the day, and even the following night, they possessed themselves of the camp, which the Romans had abandoned, and took many prisoners, and a great quantity of effects : For those who fled, had not been able to carry off any thing, but were glad to save themselves, many not keeping even their arms.

XXIV. When they heard at Rome that their army was destroyed, and the camp taken (for the first, who had saved themselves in the general defeat, arrived there while it was yet

yet night) they were greatly alarmed, as may well be imagined: And, expecting the enemy every moment at their gates, they took arms; and some lined the walls; others posted themselves before the gates, and others took possession of the eminences in the city: The inhabitants ran in disorder through every street, and a confused cry was heard: The tops of the houses were covered with the people of every family, prepared to defend themselves, and annoy the enemy: The fires they made were so close to one another, it being in the night, and dark, and such a number of torches were lighted in the rooms, and on the tops of the houses, that, at a distance, it seemed one continued blaze, and had the appearance of a town on fire. And, if the Tyrrhenians, at that time, had despised the booty they found in the camp, and followed the Romans close when they fled, the whole army, which had been sent against them, would have been cut off: But, instead of that, they fell to plunder the camp of every thing, which had been left there, and took their rest: By which, they deprived themselves of the glory of a great action. The next day, they marched towards Rome; and, when they were about sixteen stadia from it, they possessed themselves of a hill called Janiculum, from whence the city may be seen: And, sending detachments from thence, they harraßed the territories of the Romans without controll, holding them in great contempt, till the other consul Horatius appeared with the army, which had been employed against the Volsci. Then the Romans thought themselves secure; and, arming the youth that was in the city,

city, they took the field: And, having, in the first battle, which was fought at the distance of eight stadia from the city near the temple of Hope, overcome the enemy, and beaten them out of the field; and, after that, fought them again near the gate called Collina, the Tyrrhenian army being more numerous than the former, and behaved themselves with great bravery, they recovered from their fear. And thus ended this summer.

XXV. The following year, the consuls, Spurius Servilius, and Aulus Virginius, both men of experience in war, entered upon their magistracy in ¹⁵ the month of June, about the summer solstice: To whom the Tyrrhenian war, however considerable and difficult, appeared advantageous in com-

¹⁵ Περί τας θερινὰς μαχίστα τροπὰς Σεξτίλιος μηνός. So this sentence stands in all the editions, and manuscripts; but this cannot, possibly, be the true reading, because all the world knows that the summer solstice falls on the twenty first of June, and not in the month Sextilis, August. Sylburgius, in his note upon this passage, which both the French translators have rendered in their language, without mentioning his name, thinks we ought to read *περί τας χειμερινὰς μαχίστα τροπὰς, δέκατος μηνός*: But this is writing for our author rather than correcting an error in his transcribers. I would, therefore, make a less violent alteration in the text, and read *νυν*, instead of *σεξτίλιος*, and the difficulty is solved. Le Jay has explained, or endeavoured to explain, this passage by the prettiest

conceit imaginable. He has, first, rendered it, *vers les jours les plus chauds de l'été au mois d'Août*; and then supports this translation by the following reasoning, which is so curious, that I am afraid of disfiguring some beauty in it, if I give it in any words but his own; *Ce qui peut encore favoriser l'interprétation que je donne à ce passage, est l'adverbe μαχίστα joint à l'adjectif θερινὰς, qui ne peut signifier autre chose que très-chauds, ce qui convient parfaitement au mois d'Août, pendant lequel les plus grandes chaleurs se font sentir. Dans le système que je prends icy il faut entendre le terme Grec τροπή, non pas de la conversion annuelle du soleil, du Nôdy au Septentrion, et du Septentrion au Nôdy, mais la conversion journalière de l'Orient à l'Occident, et de l'Occident à l'Orient.*

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parison of the civil disorders: For the land having been unfown the former winter, by reason of the camp, which the enemy had formed upon the neighbouring hill, and the continual excursions they had made from thence; and the merchants, no longer, importing any provisions from abroad, a great scarcity of corn was felt at Rome, which was then full, not only, of the constant inhabitants, but, also, of such, as had retired thither from the country: For the number of the citizens, who were men grown, amounted to above one hundred and ten thousand, as appeared by the last census; and the women, children, domestics, the foreign merchants and artificers, did not amount to less than treble the number of the citizens; it not being lawful for any of the Romans either to follow the business of a merchant, or to exercise the trade of an artificer. To this multitude it was not easy to administer comfort, as they were exasperated at this misfortune, and gathering together in the forum, clamouring against the magistrates, running in a body to the houses of the rich, and endeavouring to seize the provisions, that were laid up there, without paying for them. In the mean time, the tribunes assembled the people; and, by accusing the patricians of contriving always some mischief against the poor, and calling them the authors of all the evils, which had ever happened according to the course of fortune, whose attacks human prudence can neither foresee, nor guard against, they inspired them with insolence, and resentment. The consuls, oppressed with these evils, sent proper persons with large sums of money to the neighbouring parts

parts to purchase corn ; and, having ordered all those, who had laid up more than was sufficient for the moderate subsistence of their families, to produce their corn, they fixed a reasonable price on it. By these, and many other the like expedients, they put a stop to the disorders of the poor, and had leisure to return to the preparations for the war.

XXVI. In the mean time, the provisions they expected from abroad being delayed, and those of every sort in the city consumed, and there being no other means of averting these evils, but to chuse one of these two things, either to hazard an engagement with all their forces, in order to drive the enemy out of their country ; or, by shutting themselves up within their walls, to perish both by famine, and sedition ; they chose the least of these evils, and resolved to meet That, which arose from the enemy. Marching, therefore, out of the city with their forces, they passed the river about midnight on rafts ; and, before it was broad day, incamped near the enemy. The day after, they came out of their camp, and drew up their army in order of battle ; Virginius commanding the right wing, and Servilius the left. The Tyrrhenians, seeing them prepared for the engagement, greatly rejoiced, from an expectation that, if this battle succeeded to their wish, they should subvert the Roman empire, as they knew that all the best of their forces were to engage upon this occasion, and entertained hopes (in which there was great presumption) of defeating them with ease, since they had overcome the troops of Menenius, when these fought upon a disadvantageous ground. The armies,

therefore, engaging, a sharp and long battle ensued, and the Tyrrhenians, after having killed many of the Romans, and lost many more of their own men, retreated leisurely to their camp. Upon this, Virginus, who commanded the right wing, would not suffer his men to pursue the enemy ; but contented himself with the advantage he had gained : However, Servilius, who commanded the other wing, pursued those on his side, and followed them a great way : When he came to the rising ground, the Tyrrhenians faced about ; and, being assisted by those in the camp, they charged the Romans : These, after a short resistance, turned their backs ; and, being pursued down the hill, and dispersing themselves, many were slain. When Virginus was informed of the condition of the left wing, he advanced with all his forces in order of battle ; and, wheeling to the left, marched along the side of the hill : Then, being in the rear of those, who were pursuing the Romans, he left a part of his forces there, to prevent any relief from the camp, and himself attacked the enemy with the rest. In the mean time, the troops under Servilius, encouraged by the arrival of their companions, faced about, and, standing their ground, engaged. The Tyrrhenians, being thus surrounded by both, and unable either to advance, by reason of those who attacked them in front, or to retire to their camp, by reason of those who charged them in the rear, fought with greater bravery than success, and were almost all cut in pieces. As the victory, which the Romans had obtained, was a melancholy victory, and the event of the battle not altogether fortunate,

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the consuls incamped before the dead bodies, and there passed the following night. In the mean time, the Tyrrhenians, who were in possession of the hill Janiculum, no succours coming to them from their own country, resolved to abandon the fortrefs; and, decamping in the night, marched to the city of the Veientes, which was the nearest Tyrrhenian city. The Romans having possessed themselves of their camp, took all the baggage, which the others could not carry away with them in their flight, and, also, many of their wounded, some of whom had been left in the tents, and others lay scattered all over the road: For these underwent the fatigue of this march from a desire of returning to their country, and supported it beyond their strength in following their companions; afterwards, when their limbs failed them, they dropped down half dead: These, the Roman horse, advancing a good way upon the road, took up. And no enemy appearing after this, the army rased the fortrefs, and entered the city with the spoils, carrying with them the bodies of those, who had been slain in the action; a sight that drew tears from all the citizens, on account both of the number, and valor of the dead. So that, the people did not think proper either to rejoice, as for a victory, or to mourn, as for a great, and irreparable calamity. The senate ordered the customary sacrifices to be offered to the gods, but refused the honor of a triumph to the consuls. A few days after, the city was supplied with a plenty of all sorts of provisions; some of which were sent by the ambassadors employed for that purpose by the public,

and others imported in great quantity by those, who used to carry on this trade. So that, all the citizens enjoyed the same abundance as before.

XXVII. The foreign wars being now ended, the civil dissension was renewed by the tribunes, who were, at this time, raising fresh disturbances among the people. However, the patricians, by opposing every step they took, defeated all their measures, except That, which related to the trial of Menenius, the late consul, which, notwithstanding all their endeavours, it was not in their power to prevent: So that, he was brought to his trial by ¹⁶ Quintus Confidius, and Titus Genucius, two of the tribunes; and, being called upon to give an account of his conduct, as general in the preceding war, the event of which had been neither fortunate, nor honourable; and, particularly, charged with having occasioned the destruction of the Fabii, and the loss of Cremera, he was condemned by the people; who passed judgement upon him in their tribes, a great majority of which voted against him, though he was the son of Agrippa Menenius, who brought home the people after their secession, and reconciled them with the patricians, whom the senate, after his death, honoured with a most magnificent funeral at the expence of the public, and for whom the Roman matrons mourned a

¹⁶ Κοψιδίς. † Livy calls this tribune Q. Confidius. This reading Sigonius, in his note upon this passage of Livy, supports with this reason, that the

Quintilian family, Κοψιλίδης, which stands in the Greek text, were patricians, and, consequently, incapable of being chosen tribunes of the people.

whole year, laying aside their purple, and gold. However, they did not condemn him to death, but only imposed a fine on him, which, if a judgement was to be formed of it by the manner of living, that prevails at this time, would appear ridiculous; but, to the men of that age, who worked with their own hands, and aimed at no more than the necessities of life, particularly to Menenius, who had inherited poverty from his father, it was a large, and heavy fine, as it amounted to ¹⁷ two thousand *asses*; the *as* was a brass coin weighing a pound: So that, the whole fine amounted to ¹⁸ sixteen talents of brass in weight. And this appeared invidious to the men of those days; who, in order to redress it, abolished all pecuniary fines, changing them to payments in sheep, and oxen, and limited, even, the number of these in all future fines to be imposed upon private men by the magistrates. From this condemnation of Menenius, the patricians took a fresh occasion of resentment against the people, and would neither suffer the division of the lands to

¹⁷ Διὰ χίλιων ἀσσεριων. The Roman *as*, at this time, was a brass coin weighing a pound. And ⁹ Livy, like our author, in speaking of the fine imposed on Menenius, says it amounted to two thousand asses, or pounds of brass; *duo millia aeris dammato mulctam edixerunt*. Arbuthnot makes the *as* to amount to no more than three farthings and one tenth of our money; consequently, two thousand asses will make no more than 6*l.* 9*s.* 2*d.*

¹⁸ Τετράκων ἐκκισίδεα. Calaubon has a note upon this passage, which

M. *** has, according to his custom, translated without acknowledging his obligation to him. Calaubon shews, from Hesychius and Suidas, that the talent, considered as a weight, weighed 125 pounds: So that, if 2000 be divided by 125, the quotient will be 16. However, it must be considered that the Roman pound consisted only of 12 Avoirdupois ounces. This pound, Arbuthnot says, weighed no more than ten ounces, eighteen penny weight, and thirteen grains, five sevenths, Troy weight.

proceed, nor make any other concession in their favor. And it was not long before the people themselves repented of their having condemned him, when they were informed of his death : For, from that time, he neither came into company, nor was seen in any public place. And, when he had it in his power, by paying his fine, not to be excluded from any public employments (for many of his friends were willing to pay it) he would not accept their offer, but changed his fine into a capital punishment ; and, staying at home, and admitting no one, died through dejection, and abstinence. These were the transactions of this year.

XXVIII. Publius Valerius Poplicola, and Caius Nautius being consuls, Spurius Servilius, another patrician, who had been consul the former year, was tried for his life, not long after the expiration of his magistracy. The persons, who cited him to his trial before the people, were Lucius Caedicius, and Titus Statius, two of the tribunes, who called upon him to give an account, not of any crime, but of fortune ; because, in the battle against the Tyrrhenians, he had pushed on to the enemy's camp with greater resolution, than prudence ; and, being pursued at once by all who were in the camp, he had lost the flower of the youth. The patricians looked upon this trial, as the most grievous of all others : They had frequent meetings, in which they expressed their resentment ; and said they had every thing to fear, if generals, who acted with resolution, and declined no danger, were to be accused, because Fortune had opposed their designs, of cowardice, and backwardness by those, who had

had not been present at the battle: That, if their generals were restrained from inventing new stratagems, their liberty of acting would be taken away, and their power subverted: And that trials of this kind would, infallibly, produce these mischiefs. At the same time, they exhorted the people, with great earnestness, not to condemn the man; telling them, they would do great prejudice to the commonwealth, if they punished their generals for being unfortunate. When the day appointed for the trial was come, Lucius Caedicius, one of the tribunes, appeared, and accused Servilius of having, through his folly, and inexperience in the duty of a general, led his forces to manifest destruction, and lost the best, and choicest troops belonging to the commonwealth; and, if his colleague had not, presently, been informed of the misfortune, and, by coming up with his forces in all haste, stopped the progress of the enemy, and saved the other army, nothing could have hindered them from being all cut in pieces, and the commonwealth from losing half the number of her citizens: Having said this, he produced as witnesses all the centurions, who had escaped; and some of the soldiers, who, in order to obliterate their own ignominy, arising from that defeat, and flight, were willing to attribute the unfortunate event of the action to their general: Then, having raised great compassion for the calamity of those, who had lost their lives upon that occasion, exaggerated the defeat, which the commonwealth had received, and, with great contempt of the patricians, insisted upon every thing else, which, by exposing their whole order to envy, was sure to dis-

discourage all, who should pretend to intercede for the man, he gave him an opportunity of making his defence.

XXIX. This being granted, Servilius said : “ If you have
“ called me to a trial, citizens, and desire an account of my
“ conduct in the command of the army, I am ready to
“ make my defence : But, if to a punishment already de-
“ termined, and no advantage is to accrue to me in con-
“ vincing you that I am guilty of no crime, take my person,
“ and treat it in the manner you have long resolved : Since
“ it is better for me to die without a trial, than after I have
“ made my defence, and not persuaded you of my innocence :
“ For I shall then seem to suffer, deservedly, whatever you
“ shall have determined against me : And you yourselves
“ will be more excusable in not suffering me to make my
“ defence, and indulging your passion, while it is yet un-
“ certain whether I have offended you in any thing. Your
“ disposition, therefore, will discover itself by the manner,
“ in which you hear me ; as This is either tumultuous, or
“ quiet, I shall judge whether you have called me to a
“ punishment, or a trial.” Having said that, he stopped.
This being followed by a general silence, and, presently, the
greatest part calling out to him to take courage, and say
what he thought fit, he resumed his discourse, and said :
“ Since, then, citizens, you are to be my judges, and not
“ my enemies, I make no doubt but I shall, easily, convince
“ you that I am guilty of no crime. I shall begin my dis-
“ course from those facts, which you are all acquainted with.
“ I was created consul with Virginus, a most worthy man,
“ at

“ at the time when the Tyrrhenians, having fortified the
 “ hill, that commands your city, were masters of all the
 “ country, and entertained hopes of subverting your empire
 “ in a short time. There was, at that juncture, a great
 “ famine, and a sedition in the city, and a general irresolu-
 “ tion concerning the measures to be pursued. In so tur-
 “ bulent, and so formidable a crisis, I together with my
 “ colleague overcame the enemy in two engagements, and
 “ obliged them to abandon the fort, and leave the country.
 “ The famine I soon put an end to, by supplying the markets
 “ with a plenty of provisions, and delivered to my successors
 “ the country free from hostile arms, and the city recovered
 “ from all the political distempers, with which the dema-
 “ gogues had infected it. What offence, therefore, have I
 “ been guilty of, unless to overcome your enemies is to
 “ offend you? If some of the soldiers happened to lose
 “ their lives, after they had fought with success, in what
 “ has Servilius offended the people? For no god is surety
 “ to generals for the lives of all, who are going to engage :
 “ Neither do we receive the command of armies upon such
 “ terms, and conditions, as to overcome all our enemies, and
 “ lose none of our own men : For what man, as such, would
 “ dare to take upon himself all the events both of conduct,
 “ and fortune? So far from it, that we always purchase
 “ great successes with great dangers.

XXX. “ I am not the first to whom this misfortune has
 “ happened in battle; but almost all, who have ventured
 “ to encounter armies superior in number to their own,

“ have been exposed to it: For some, after they had pursued the enemy, have themselves been put to flight; and, after they had killed many of their adversaries, have lost still more of their own men. I shall not add that several, even, after an intire defeat, have returned home with ignominy, and great loss: None of whom were punished because they were unfortunate: For the calamity itself is a sufficient punishment; and to receive no praise, if there was nothing else in it, is a great, and grievous chastisement to a general. However, I am so far from pretending, what all reasonable men will allow to be just, that I ought not to give an account of fortune, that, though no other person ever ventured to undergo such a trial, I alone do not decline it, but consent that my fortune may be inquired into, as well as my conduct; and shall only premise this: I observe that a judgement is always formed of human actions, whether successful, or otherwise, not from the particular measures that have been pursued, which are many and various, but from the event: And, when this is prosperous, though even the intermediate operations, which are many, may not be applauded, yet I find the actions themselves not the less praised, emulated by all, and looked upon as the effects of good fortune: But, if the event is unsuccessful, though every thing that preceded it, was carried on with the greatest success, those actions are ascribed not to the good, but to the ill fortune of their authors. Make use of this maxim yourselves; and, by that, judge of my fortune also with regard to the war:

“ And,

“ And, if you find me vanquished by the enemy, call my
 “ fortune bad ; but, if victorious, call it good. Concerning
 “ fortune, therefore, I could add many things ; but, as I
 “ am not ignorant that every argument, which can be
 “ offered upon that subject, is disagreeable, I shall say no
 “ more.

XXXI. “ But, since they censure my conduct also, not
 “ daring indeed to accuse me of treachery, or cowardice, for
 “ which other generals are often tried ; and charge me with
 “ inexperience in the duty of a general, and imprudence, for
 “ having exposed myself to an unnecessary danger in pursuing
 “ the enemy to their camp ; I will answer this charge also,
 “ which I could do very readily, by saying that it is an
 “ exceeding easy thing, and in the power of every man to
 “ censure past actions ; but difficult, and of which few are
 “ capable, to attempt great things with danger : And that
 “ future events do not appear what they will be, in the
 “ same manner as past events appear what they are ; but
 “ these we discover by our senses, and our sufferings, and
 “ those we form conjectures of by divination, and opinions,
 “ in which there is great deceit : And that it is the easiest
 “ thing in the world for people to play the general in dis-
 “ course, when they are at a distance from the danger ;
 “ which is the case of my accusers. But I waive all this ;
 “ and desire, in the name of the gods, that you will tell me
 “ whether you look upon me as the first, or the only man,
 “ who ever attempted to force intrenchments, and led his
 “ men against an eminence ? Or have not many other of

“ your generals done the same; some of whom have suc-
“ ceeded in these attempts, and others not? Why, there-
“ fore, do you not try them as well as me, if you look upon
“ these actions to prove the incapacity, and imprudence of
“ a general? How many other enterprises, more daring
“ than this, have generals thought fit to attempt at a
“ juncture, which least of all admits of safe counsels, and
“ deliberation? Some have snatched the ensigns from their
“ own men, and thrown them among the enemy, in order
“ to force the backward, and cowardly to do their duty,
“ when they knew that those, who did not recover their
“ ensigns, were sure to suffer an ignominious death by the
“ orders of their generals. Others, after they had made an
“ irruption into the enemy’s country, have broken down the
“ bridges over which they had passed, to the end that those,
“ who had any thoughts of saving themselves by flight,
“ might be inspired with boldness, and resolution from their
“ despair of effecting it. And others, by burning their tents,
“ and baggage, have imposed a necessity on their men of
“ supplying themselves with every thing they wanted out
“ of the enemy’s country. I omit many instances of
“ the like nature, and all the other daring actions, and
“ designs of generals, which we have learned both from
“ history, and our own knowledge; for which, when they
“ did not succeed, none yet was ever punished: Unless
“ any of you can object to me that, when I exposed others
“ to manifest destruction, I kept myself out of danger:
“ But, if I charged with the rest, came off last, and shared
“ the

“ the same fortune with others, what crime am I guilty of?
 “ And let this suffice concerning myself.

XXXII. “ Now, concerning the senate, and the patri-
 “ cians, I think it necessary to say a few words to you, since
 “ the general hatred you bear to them all, by reason of the
 “ opposition that has been made to the division of the lands,
 “ affects me also, and this hatred my accuser was so far from
 “ concealing, that he made it no small part of his accusation
 “ against me. Let me speak to you upon this subject with
 “ freedom: For it is consistent neither with my temper to
 “ speak, nor with your advantage to hear me, in any other
 “ manner. You act contrary both to justice, and piety,
 “ plebeians, in not acknowledging the many great benefits
 “ you have received from the senate, and in resenting their
 “ refusal of some of your desires, which, if granted, would
 “ bring great prejudice to the public, when this refusal does
 “ not proceed from their envy to you, but from their re-
 “ gard to the advantage of the commonwealth. Whereas,
 “ the best thing you could have done was to have paid a
 “ deference to their resolutions, as flowing from the best of
 “ motives, and calculated for the general good, and to have
 “ desisted from your earnestness: But, if you were unable
 “ to conquer your unprofitable desires by prudent confi-
 “ derations, you ought to have aimed at obtaining the same
 “ things by persuasion, and not by violence: For voluntary
 “ presents are, not only, more agreeable to those who grant
 “ them, than such as are extorted, but, also, more lasting to
 “ those who receive them: Which is a thing, I call the
 “ gods

“ gods to witness, you do not consider ; but are agitated by
“ your demagogues, like the sea by various winds perpetually
“ succeeding one another, and provoked to rage, and will
“ not suffer the commonwealth to enjoy even the least quiet,
“ and tranquillity. This has made us prefer war to peace ;
“ since, when we are in war, we hurt our enemies ; but,
“ when in peace, our friends. However, plebeians, if you
“ look upon all the resolutions of the senate to be advan-
“ tageous to the commonwealth, as they really are, why do
“ you not look upon this resolution also in the same light ?
“ But, if you are of opinion that the senate do not take the
“ least consideration of any thing that is incumbent on them,
“ but govern the commonwealth dishonourably, and un-
“ skilfully, why do you not remove them all at once, take
“ the government upon yourselves, consult, and make war
“ in support of your own sovereignty, rather than pare them,
“ destroy them by degrees, and take off the most consider-
“ able men by your sentences ? Since it is better for all of
“ us in general to be attacked by open war, than for every
“ one in particular to be circumvented by calumnies.
“ However, you are not the cause of these disorders, as I
“ said, but the demagogues who inflame you, and who are
“ both unwilling to obey, and unable to command. And
“ their imprudence, and inexperience have often exerted all
“ their power to overset this ship ; but the senate, who have
“ been reviled by them in the severest terms, corrected their
“ errors, and kept the commonwealth upright. Whether
“ these things are agreeable to you, or displeasing, they
“ have

“ have been uttered, and hazarded by me with the greatest truth: And I had rather lose my life by using a freedom of speech, that may be advantageous to the common-wealth, than save it, by flattering you.”

XXXIII. After he had spoken in this manner, he neither lamented, nor bewailed his misfortune, nor, by intreaties, and casting himself at the feet of any one indecently, appeared dejected; but, without shewing the least mark of an infirm mind, gave way to those, who were willing to speak, or bear witness in his favor. Upon which, many presented themselves, and made his innocence appear; particularly Virginus, who had been his colleague in the consulship, and was looked upon to have been the cause of the victory: He, not only, shewed him to be innocent, but represented him both as the bravest of men, and the ablest of generals, and, as such, deserving to be applauded, and honoured by all. And he said that, if they thought the war was happily concluded, they ought to thank them both; but, if unhappily, to punish them both; since their counsels, their actions, and their fortune had been the same. The people were moved both with this speech, and with the character of the man who spoke it, which was established by virtuous actions of every kind: To this was added a sympathizing look, which raised the greatest commiseration, such a look, as appears in the faces of those very persons, who either actually suffer, or are going to suffer, great miseries: So that, even the relations of the men, who had lost their lives in the action, and seemed irreconcilable

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to the author of their misfortune, were softened, and laid aside their resentment, which they soon made appear: For the votes of the people being taken, not a single tribe condemned him. This, therefore, was the event of the danger, to which Servilius had been exposed.

XXXIV. Not long after, an army of the Romans marched against the Tyrrhenians under the command of Publius Valerius, one of the consuls: For the forces of the Veientes were again assembled, and the Sabines had joined them; who, though unwilling, till then, to assist them in a war, the object of which they looked upon as impossible for them to attain, when they heard both of the flight of Menenius, and of the erecting the fort upon the hill close to the city, they concluded that, not only, the forces of the Romans were overcome, but that their spirit, also, was humbled; and, espousing the cause of the Tyrrhenians, sent them a great number of auxiliary troops. The Veientes, confiding both in their own forces, and in Those of the Sabines, which had lately joined them, desired, while they were expecting succours from the rest of the Tyrrhenians, to march directly to Rome with the greatest part of their army, from a persuasion that none would oppose them, but that they should take the city either by force, or famine. However, Valerius prevented their design, while they were delaying the execution of it, and waiting for the arrival of those allies, who had not yet joined them, by putting himself at the head of the bravest Roman youth, and of their allies, and marching out of the city, not openly, but in such a manner

manner as to conceal his march from the enemy as much as possible: For, coming out late in the evening, and passing the Tiber at a small distance from the city, he incamped: Then, marching in order of battle about midnight, he attacked one of the enemy's camps before it was day: For there were two camps at no great distance from one another, one of the Tyrrhenians, and the other of the Sabines: The first camp he attempted was That of the Sabines, in which most of the men being asleep, and no sufficient guard appointed (the place, where they lay, being the country of their allies, and they entertaining a great contempt of the enemy, of whom they had received no account) he took it by storm. Some of the Sabines were slain in their beds; others, just as they were getting up, and taking their arms; and others, after they were armed, but, while they were dispersed, and fighting without order: The greatest part of them, endeavouring to escape to the other camp, were intercepted by the Roman horse, and cut in pieces.

XXXV. The camp of the Sabines being thus taken, Valerius marched to the other, where the Veientes lay, the place not being very strong. Here it was not possible for them to approach the camp without being seen: For it was, now, broad day, and the Sabines who escaped, had acquainted the Tyrrhenians both with their own calamity, and the design of the Romans to attack them: So that, it was, now, become necessary to depend upon their courage in charging the enemy. Here the Tyrrhenians fighting before their camp with all possible bravery, a sharp action

infused with great slaughter on both sides, the victory being doubtful, and for a long while inclining sometimes to one side, and sometimes to the other: But, at last, the Tyrrhenians were broken by the Roman horse, and retired to their camp. The consul followed: And, when he came near their intrenchments, which had been ill fortified, and the place, as I said, not very secure, he assaulted them in many parts at once, and continued the assault all the rest of that day, without resting even the following night. The Tyrrhenians, spent with continual toil, left their camp the next day, as soon as it was light; some taking refuge in their city, and others dispersing themselves in the neighbouring woods. The consul, having made himself master of this camp also, rested his army all that day: The day after, he distributed the spoils he had taken in both the camps, which were in great quantity, among those who had fought for them; and honoured such, as had distinguished themselves in the two actions, with the customary crowns. The man, who was looked upon to have fought with the greatest bravery, and put the troops of the Veientes to flight, was Servilius, the consul of the former year, who had been acquitted by the people, and was, at that time, legate to Valerius, and, in consideration of the superior valor he shewed upon this occasion, was the first, who received those rewards, which among the Romans are the most esteemed. After that, the consul, having ordered the enemy's dead to be stripped, and his own to be buried, marched out with his army; and, incamping near the city
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of the Veientes, he challenged them to come to an engagement; but none venturing out to fight, and he looking upon it as a work of difficulty to take by assault a town exceeding strong, laid waste a great part of their country, and then invaded That of the Sabines. And, having, also, laid waste their territories, which had been untouched for many days, the carriages of his army being, now, heavily loaded with booty, he returned home. The people met him a good way from the city crowned with flowers; and, perfuming the road, as he passed, with frankincense, received the army with bowls of Hydromel: And the senate decreed to him the honor of a triumph. The other consul, Caius Nautius, to whom the defence of the Latines, and the Hernici, their allies, had been allotted, had delayed taking the field; not from any irresolution, or apprehension of danger, but because he was waiting the event of the war with the Veientes, which was then undecided; to the intent that, if any misfortune should befall the army employed against them, the commonwealth might have another in readiness to hinder them from making an irruption into the country, in case they should, like those who had before marched to Rome, attempt to fortify any places in order to annoy the city. In the mean time, the war, brought upon the Latines by the Aequi, and the Volsci, was also happily concluded; and news was brought that the enemy, being defeated, had quitted the country of their allies, who, no longer, stood in need of any assistance for the present. However, Nautius, after their affairs in Tyrrhenia had taken a happy turn,

marched out with his army: Having invaded the country of the Volsci, and overrun a great part of it, which they had abandoned, he made himself master of a few slaves, and cattle; and, having set fire to their corn, which was then ripe, and done other considerable damage to their country, as none appeared to oppose him, he brought back his army. Such were the transactions, that happened during the consulship of these persons.

XXXVI. Their successors, Aulus Manlius, and Lucius Furius, after the senate had ordered that one of them should march against the Veientes, drew lots, according to custom, who should command in this expedition: And the lot falling to Manlius, he presently took the field, and incamped near the enemy. The Veientes, being shut up within their walls, defended themselves for some time; and, sending ambassadors both to the other cities of Tyrrhenia, and to the Sabines, who had, lately, assisted them, desired they would immediately send them succours: But, finding themselves refused by all, and having consumed their provisions, the most ancient, and the most dignified among them, compelled by famine, came out of the city; and, presenting themselves before the consul with the ensigns of suppliants, begged of him to put an end to the war. Upon this, Manlius ordered them to furnish the army with their pay for a year, and with provisions for two months; and, after they had complied with this, to send ambassadors to Rome, in order to treat of peace with the senate; and they, having accepted these conditions, and presently brought the pay for
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the army, together with the money allowed by the consul to be paid by them instead of the corn, they went to Rome: And, being introduced into the senate, they asked forgiveness for what had passed, and to be freed from the war for the future: And, after many arguments on both sides, it was carried to put an end to the war by a treaty; and a truce was granted to them for forty years. Upon which, the ambassadors returned, having made great acknowledgements to the commonwealth for the peace they had obtained. And Manlius coming to Rome requested the ¹⁹ Ovation for having put an end to the war, which was granted to him. There was, also, a census in this consulship; and the number of the citizens, who registered their own names, their fortunes, and the names of their sons, who were arrived to manhood, amounted to a little more than one hundred and thirty three thousand.

XXXVII. These consuls were succeeded by ²⁰ Lucius Aemilius Mamercus for the third time, and Vopiscus Julius Iulus, who entered upon their magistracy in the seventy seventh Olympiad, at which Datis of Argos won the prize of the stadium, Chares being archon at Athens. The administration of these consuls was exceeding uneasy and tumultuous: It was indeed attended with peace abroad (for all their enemies were quiet) but, through civil dissensions, both they themselves were exposed to dangers, and the

¹⁹ Τον πρῶτον θριαμβῶν. See the thirty ninth annotation on the fifth book.

²⁰ Λευκίος Αἰμιλῖος Μαρμέγκος τὸ τρίτον, καὶ Οὐσπίσκος Ἰουλῖος. The names of these

consuls stand thus in the *Fastæ consulares*, Lucius Aemilius Mamercus 3. Vopiscus Julius Iulus.

commonwealth was almost ruined by their means: For, as soon as the people had a respite from military expeditions, they, presently, pursued the division of the public lands. The person, who inflamed this passion in the poor, was one of the tribunes, a bold man, and not uneloquent, whose name was Cneius Genucius: This man was, constantly, assembling the people, captivating the minds of the poorer sort, and endeavouring to oblige the consuls to carry into execution the orders of the senate, concerning the division of lands. These refused to do it, alledging that this commission was given by the senate not to them, but to Cassius, and Virginius, who were then consuls, and to whom even those orders were directed; they added that the resolutions of the senate were not laws designed to continue in force for ever, but temporary institutions, the efficacy of which lasted only one year. The consuls making use of these evasions, Genucius found himself unable to employ compulsion against those, who were invested with a superior authority, and took a bold resolution: For he exhibited a public charge against Manlius, and Furius, the consuls of the former year, and summoned them to appear before the people, and make their defence, declaring, openly, the crime they were accused of, which was, that they had wronged the people in not appointing the decemvirs directed by the senate to divide the lands. He gave very plausible reasons for his not having accused any of the other consuls, when there had been twelve consulships since the senate had passed this order, and for his charging these men only with the breach of promise:

promise: He ended with saying that the only way to compel the present consuls to divide the lands, was to let them see some others punished by the people, which would put them in mind that they, also, might expect the same treatment.

XXXVIII. After he had said this, he exhorted all the plebeians to be present at the trial; and, having sworn by the holy rites that he would assuredly persist in his resolution, and accuse these persons with all possible vigor, he appointed a day for the trial. The patricians seeing this, were under great fear, and anxiety concerning the measures they were to take both to procure these men to be acquitted, and put a stop to the boldness of this demagogue: And the resolution they came to was, to oppose the people with force, if they attempted to pass any vote to the prejudice of the consular power, and, even, to have recourse to arms, if that should be necessary. However, they were under no necessity of using any violent means, the danger being dispelled in a sudden, and unexpected manner: For, the day before the trial, Genucius was found dead in his bed, ²¹ without

²¹ Σήμερον οὐδεν ἐχὼν ὁ Σφάγης, etc. Livy says, not only, that the senators caused Genucius to be put to death, but, also, that they were so far from repenting of the murder, that those among them who had no share in it, bragged of their having committed it; *nec patres satis moderate ferre laetitiam. adeoque neminem noxae poenitebat, ut etiam insontes fecisse videri vellent, pa-*

lamque ferrent malo domandam tribuniciam potestatem. This victory of the senate was truly what Livy calls, in the next sentence, *pestimi exempli victoria.* Here we see a great contradiction in the conduct of the senate. Fifteen years before, they had, with a noble firmness, refused to concur with the people in recalling Coriolanus, when he was at their gates with a victorious

¹ B. ii. c. 54.

the least appearance of his having been stabbed, strangled, poisoned, or put to death by any other insidious means. As soon as this accident was known, and the body brought into the forum, the event was looked upon as a kind of providential obstacle to the trial, which was presently dismissed: For none of the other tribunes had the boldness to revive the sedition; on the contrary, they looked upon Genucius to have been guilty of a great madness. If, therefore, the consuls had not, after this, overacted their part, and awakened the sedition, which heaven had laid asleep, they would have drawn upon themselves no further danger: But, by giving themselves up to pride, and a contempt of the plebeians, and by desiring to shew the whole extent of their power, they were the occasion of great mischiefs: For, having appointed a day to make levies, and endeavoured to compel the disobedient to give in their names by various punishments, and by causing them to be whipped with rods, they drove the greatest part of the plebeians to despair, which broke out upon the following occasion.

XXXIX. A certain plebeian, celebrated for his valor, called Publius Volero, who had commanded a century in the late wars, was, now, lifted by them as a common soldier; which he refusing to submit to, and declining a less honourable employment, when he had been guilty of no misbehaviour in the former campaigns,

army of Volsci; and here they descend to the meanest of all actions, the assassination of an adversary: They had resolution enough to resist the

terror of a victorious enemy; but not virtue enough to resist the suggestions of a party spirit.

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the consuls, offended at the liberty he took, ordered the lictors to strip him, and tear his body with rods. The young man called upon the tribunes, and, if he was guilty of any crime, desired to be tried by the people. But the consuls, regardless of what he said, repeated their orders to the lictors to take him away, and whip him; when he, impatient of the insult, revenged his own wrongs; and, striking the first lictor, who came near him in the face with his fist, as he was young and strong, he knocked him down, and treated the next in the same manner: And, when the consuls, in a rage, commanded all the lictors at once to seize him, the plebeians, who were present, thought it a heinous thing; and, gathering together in a body, and inflaming one another's resentment with their cries, they rescued the young man, and repulsed the lictors with blows: At last, they ran to the consuls; and, if these had not left the forum, and fled, they had, that instant, done some irreparable mischief. This affair divided the whole city, and those tribunes, who, till then, had been quiet, grew wild with rage, and inveighed against the consuls. Thus the contest concerning the division of lands was changed into another contest of greater consequence, that concerned the very form of their government: For the patricians, who looked upon this attempt as the subversion of the consular power, resented it no less than the consuls, and insisted that the man, who had dared to lay hands on the lictors, should be thrown down the Tarpeian rock. On the other side, the plebeians assembling, clamoured against the patricians, and exhorted one another

not to betray their liberty, but to carry the matter before the senate, to accuse the consuls, and endeavour to obtain some justice against them for their usage of a free man, and a citizen, whom, after he had implored the assistance of the tribunes, and desired to be tried by the people if he had been guilty of any crime, they had deprived of both these rights, treated him like a slave, and ordered him to be whipped. While, therefore, the two parties thus opposed one another, and neither were disposed to yield, all the remaining part of this consulship was consumed without being adorned either with military actions worthy to be celebrated, or with political worthy to be related.

XL. The time for the election of magistrates being come, Lucius Pinarius, and Publius Furius were created consuls. In the beginning of this year, there happened many prodigies, and omens, which filled the city with a kind of superstition, and fear of the gods; and all the augurs, and the interpreters of holy things declared that these were the signs of divine anger, some rites not having been performed with sanctity, and purity. And, not long after, a distemper, supposed to be pestilential, attacked the women, particularly such as were with child, and more of them died than had ever been known before: For, as they miscarried, and brought forth dead children, they died together with their infants: And neither supplications at the statues, and altars of the gods, nor expiatory sacrifices, performed on behalf of the public, and of private families, gave the women any relief. While the commonwealth was suffering under so
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strange a calamity, information was given to the pontifs by a slave, that one of the Vestal virgins, who have the care of the perpetual fire, by name Urbinia, had lost her virginity, and, though impure, performed the public sacrifices : And the pontifs, having removed her from the ministry, brought her to a trial ; and, after she was convicted, they ordered her to be whipped with rods, to be carried through the city, and buried alive. One of the two men, who had been the accomplices in her crime, killed himself ; the other the pontifs seized, and ordered him to be whipped in the forum like a slave, and then put to death. After these punishments, the distemper, which had attacked the women, and caused so great a mortality among them, presently ceased.

XLI. But the sedition raised by the plebeians against the patricians, which had long continued in the city, was renewed : The person who renewed it was Publius Volero, one of the tribunes, the same who, the year before, had disobeyed the consuls Aemilius, and Julius, when they would have lifted him for a common soldier instead of a centurion : The reasons, that induced the poorer sort to chuse him tribune of the people, were chiefly these (for he was both ignobly born, and brought up in great obscurity, and want) because he was looked upon as the first private man, who, by his disobedience, had humbled the consular power, which was till then invested with the royal dignity ; and particularly by reason of the promises he had made, when he stood candidate for that magistracy, to deprive the patricians of their power. This man, therefore, as soon as

he was at liberty to perform the functions of his office, the divine anger having ceased, assembled the people, and proposed a law concerning the election of the tribunes, by which that election was to be transferred from the assemblies of the curiae, called by the Romans, *Comitia Curiata*, to the assemblies of the tribes: The difference of which is this: In order to render the resolutions, taken in the ²² assemblies of the curiae, valid, it was necessary that the senate should make the previous order, and that the people, voting in their curiae, should confirm it, and that, after both these, the heavenly signs, and auspices should not oppose it: Whereas, in the assemblies of the tribes, neither the previous order of the senate was necessary, nor the ratification of the holy rites, and auspices, but only that the resolutions there taken should be finally determined by the members of the tribes in one day. Now, two of the other four tribunes joined with Volero in proposing this law: So that, by engaging these two, he carried it against the others, who differed from him in opinion, and were inferior in number. On the other side, the consuls, the senate, and the patricians, to a man, opposed the law: And, coming to the forum in a body, on the day appointed by the tribunes for enacting this law, they made harangues of all sorts, the consuls, the most ancient senators, and every one, who desired it, enumerating the absurdities contained in the law. The tribunes answered, and the consuls replied; and the debate having

²² Τας μὲν φράξινας ψήφιστας, etc. See the 122^d annotation on the second book.

lasted a long while, and night coming on, the assembly was dismissed. The tribunes having, again, appointed the third market day for the consideration of the law, and greater numbers than before flocking to the forum on that day, the same thing happened again. Volero seeing this, resolved not to suffer either the consuls to find fault with the law, or the patricians to be present, when the people were to give their votes: For the patricians, with those of their faction, and of their body, together with their own clients, who were not a few, took up a great part of the forum; and, both by animating those who blamed the law, and interrupting those who justified it, and by many other actions, they created disorders, and shewed they were resolved to force the people to vote as they desired.

XLII. But another calamity, sent from heaven, put a stop to his designs, that were tyrannical: For a pestilential distemper attacked the city, which was, indeed, felt in other parts of Italy, but no where so severely as at Rome. No human assistance could relieve the sick; but, whether remedies were administered to them with the greatest care, or none at all applied, they died equally: No supplications to the gods, nor sacrifices; no private, nor public expiations, to which mankind, under such calamities, are compelled at last to have recourse, then availed. The distemper made no distinction of age, or sex, of strong or weak constitutions, or between the neglect, or application of the medicinal art, or of any thing else, from whence relief might be expected; but seized both women and men, old
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and young. However, it lasted not long, which preserved the city from utter desolation ; but, like a torrent, or a conflagration, it overwhelmed mankind at once ; suddenly came, and suddenly departed. As soon as the calamity ceased, Volero, whose magistracy was near expiring, since it was not in his power to get the law enacted during the remainder of it, and the election of magistrates drew near, endeavoured to get himself rechosen for the following year, by making many large promises to the people : And he was again chosen tribune, together with two of his colleagues. The patricians, in order to defeat the consequences of this election, contrived to advance to the consulship a man of a severe temper, and an enemy to the people, and one who was not like to lessen, in any respect, the power of the aristocracy ; this was Appius Claudius, the son of Appius, who gave the greatest obstruction to the return of the people ; and, though he strongly opposed the design of the patricians, and, even, refused to be present at the election, the senate, nevertheless, came to a previous resolution to raise him to that dignity though absent, and appointed him consul.

XLIII. His election being carried with great ease (for the poorer sort left the place as soon as they heard his name) Titus Quintius Capitolinus, and Appius Claudius Sabinus entered upon their magistracy ; men of different tempers, and different principles : For Appius was of opinion that the idle and the poor ought to be kept employed in foreign wars ; to the end that, while they enjoyed a plenty of those
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daily necessities, of which they were in the greatest want, and with which they supplied themselves out of the enemy's country by their own activity; and while they were performing actions, that tended to the advantage of the commonwealth, they would, least of all, be ill disposed and uneasy to the senators, who had the administration of the public affairs; and he shewed that every pretence of making war would be justifiable in a commonwealth, that claimed the sovereignty, and was envied by all: He, also, desired they would form a reasonable judgement of the future by the past; adding that all the commotions, which had already been raised in the city, had happened during the respites from war. Quintius, on the contrary, thought they ought not to be the aggressors in any war, but rest satisfied if the people, when called upon to engage in necessary dangers, and those that were brought upon them by others, obeyed their summons; and he shewed them that, if they attempted to force the disobedient, they would drive the plebeians to despair, as their predecessors had done; by which they would expose themselves to one of these two evils; either to extinguish the sedition with blood, and slaughter, or to submit to a shameful adulation of the people. Now, it happened that Quintius had the command during that month; so that, the other consul could do nothing without his consent. In the mean time, Volero, and the other two tribunes, impatient of any longer delay, proposed again the law, which they had not been able to get enacted the year before, with this addition, that the aediles should,

also,

also, be chosen in the same comitia, and that every thing else, that was to be done, and enacted by the people, should be determined in the same manner, by the members of the tribes; which was, indeed, openly to destroy the power of the senate, and to establish That of the people.

XLIV. When the consuls were informed of this, they grew anxious, and considered by what means the commotion, and sedition might speedily, and safely, be removed. Appius advised to summon to arms every man, who desired the constitution might be preserved; and, if any refused to take arms, to look upon them as enemies. But Quintius was of opinion they ought to apply persuasion to the plebeians, and convince them that, through ignorance of their interest, they were led into pernicious resolutions: And he said that it was the greatest of follies to aim at obtaining from their fellow-citizens against their will those things, which they might receive by their consent. The advice of Quintius being approved of by the rest of the senators, the consuls went to the forum, and desired the tribunes would give them leave to be heard, and appoint a time for it: And, having obtained both with difficulty, when the day they had desired them to fix was come, the forum being filled with a great concourse of people of all sorts, which the magistrates on both sides had prepared, and invited to come to their assistance, the consuls presented themselves, in order to shew the ill consequences of the law. Then Quintius, who was, in all respects, a man of moderation, and master of that eloquence, which was the most adapted to gain

gain the affections of the people, first desired leave to speak; and then made a speech suited to the occasion, and agreeable to all: So that, those, who spoke in favor of the law, were under great difficulties, having nothing to offer, that was more just, or more reasonable. And, if his colleague could have prevailed upon himself not to meddle in this affair, the people, conscious of the injustice, and illegality of their pretensions, would have rejected the law: But, instead of that, his speech was so full of haughtiness, and so offensive to the ears of the poorer sort, that they grew outrageous, and implacable, and broke out into greater animosity than ever: For he did not talk to them as if they had been free men, and his fellow-citizens, who had the power either to enact, or reject the law; but, domineering over them as if they had been a vile populace, foreigners, or men, whose liberty was precarious, he uttered sharp, and insufferable reproaches, upbraiding them with the abolition of their debts, and their revolt from the consuls, when, snatching up the sacred ensigns, they left the camp, and ran away of their own accord: He put them in mind of the oaths they had entered into, when they took arms in defence of that country to which they owed their birth, and against which they turned those very arms: For which reason, he said, it was not to be wondered at, if, after they had been guilty of perjury to the gods, deserted their generals, dispeopled the city as far as in them lay, and grounded their return on the dissolution of public faith, the subversion of the laws, and the destruction of the constitution, they used no moderation, nor could behave them-

themselves like good citizens; but were, always, aiming at something advantageous to themselves, and unwarrantable by the laws; sometimes, desiring the power of creating magistrates out of their own body, and making these unaccountable for their actions, and all sacred; sometimes, bringing to trial such of the patricians as they thought fit, under the most shameful accusations, and transferring the legal jurisdiction, which the commonwealth had, before, made use of in causes that relate to death, or banishment, from the most uncorrupt tribunal, to the vilest populace; and, sometimes, bringing in tyrannical, and wicked laws against men of birth, they, who were mechanics, and had no habitation, without leaving to the senate the power even of voting previously concerning those laws, but depriving them of this honor also, which they had, always, enjoyed undisputed under both kings, and tyrants. After he had uttered these things, and many others of the like nature, and abstained from no sharp reproach, or injurious appellation, he concluded with this declaration, which gave greater offence to the people than all the rest, that the commonwealth would never cease to be divided upon every thing, but, always, some new distemper would succeed the old, as long as the tribunitian power lasted; and said, great care ought to be taken that the commencements of every political, and public affair be pious and just (for from good seeds, is produced good and wholesome fruit, and from bad, evil and pernicious.)

XLV. “ If, therefore, says he, this magistracy found its
“ way into the commonwealth by concord; was calculated
“ for

“ for the good of all, and received the sanction both of the
 “ auspices, and the religious rites, it would have produced
 “ among us many great advantages, beneficence, harmony,
 “ wholesome laws, hopes of blessings from heaven, and a
 “ thousand other benefits: But, since it was introduced by
 “ violence, a contempt of law, sedition, the apprehension
 “ of a civil war, and by every thing mankind most abhors,
 “ how can it be expected that this institution should ever
 “ be good, or salutary, when such were its commencements?
 “ So that, it is in vain for us to seek for a cure, and for
 “ those remedies, which human reason suggests against the
 “ evils that are, continually, springing out of it, so long as
 “ the pernicious root remains: For we shall have no end,
 “ no deliverance from the divine wrath, while this envious
 “ fury, this cancer, rankling in our constitution, taints and
 “ destroys every virtuous effort. But this subject shall be
 “ treated at a more proper season. Now, since it is my
 “ duty to compose the present disturbances, I say this to
 “ you without dissimulation: Neither this, nor any other
 “ law shall be enacted in my consulship without the previous
 “ order of the senate; and I will contend for the aristocracy,
 “ not only in words, but, if it shall be necessary to proceed
 “ to actions, I will not yield to her adversaries even in
 “ these: And, if you did not know, before, the extent of
 “ the consular power, you shall learn it under my con-
 “ sulship.”

XLVI. Thus Appius spoke: When the most ancient, and
 the most respectable person among the tribunes, by name,

Caius ²³ Lætorius, a man of acknowledged valor in war, and of political abilities, rose up to answer him: And, beginning from the earliest transactions, he spoke long in favor of the people: That the poor, whom Appius had loaded with injurious appellations, had made many severe campaigns, not only, under their kings, when the necessity of serving might be imputed to them, but, also, after their expulsion, while they were acquiring liberty, and sovereignty for their country, for which they had received no return from the patricians, nor shared in any of the public advantages; but, like captives, had been deprived by them even of their liberty; to recover which they had been compelled to leave their country, from the desire of another, in which, as they were free men, they might live without being insulted: And had obtained their return neither by offering violence to the senate, nor compelling them by a war to consent to it, but, by yielding to them, when these desired, and intreated them to receive, again, the pledges they had left behind them. He, then, mentioned the oaths, and appealed to the agreement, which had been entered into, to induce them to return; in which there was, first, a general amnesty; then, a power granted to the poor to create magistrates both to protect them, and oppose those, who desired to oppress them. After he had expatiated upon these things, he produced the laws, which the people had, not long before, ratified; both That concerning the

²³ *Λακτοριος*. This tribune is called *Λακτοριος* in the editions; and Lactorius by ^s Livy.

‡ B. ii. c. 56.

the translation of the jurisdiction, by which the people had granted to the people the power of trying any of the patricians they should think fit; and That concerning their suffrages, by which the authority of those suffrages was transferred from the assemblies of the centuries to Those of the²⁴ tribes.

XLVII. When he had gone through the defence of the people, he turned to Appius, and said: "After this, dare you abuse these, by whose means the commonwealth, from being small, is become considerable, and, from being

²⁴ ΑΛΛΑ ΤΗΝ ΚΥΡΙΩΝ ΕΠΙΣΤΕΙ ΤΩΝ ΦΥΛΩΝ ΚΥΡΙΩΝ. If any passage in our author ever called for the assistance of the commentators, it is this; and yet not one of them has so much as taken notice of the difficulty, so far from applying any remedy to it. In the first place, historians are not allowed either to draw consequences themselves, or to introduce others drawing consequences from facts, which have never been mentioned in their histories. This rule Dionysius could not have been ignorant of; and, to do him justice, he has, always, observed it. But here, if we follow the editions, and manuscripts, he says that the senate had consented to a law, by which the power, before exercised by the assemblies of the centuries, was transferred to Those of the curiae. This law he had never mentioned before; nor, indeed, any other author; because such a law never existed: For, after the establishment of the *comitia tributa*, the *curiata* were so far from succeeding to the power of the *centu-*

riata, that they were declining apace, and only made use of upon particular occasions; nay, they, at last, were so far in disrepute, that, when they were called for the sake of the auspices, thirty lictors represented the thirty *curiae*. This being most certainly the case, I would read *φυλῶν* instead of *κυρίων*; because this was really the fact, and a fact which our author had before, not only, mentioned, but enlarged upon, in relating the affair of ^u Coriolanus; when the senate consented to the two laws here mentioned by Laetorius: By the first of which, the people had a power of trying the patricians; and, by the last, That of trying them in the *comitia tributa*, instead of the *centuriata*. As these two laws were obtained at the same time, and are mentioned together by Laetorius; and, as the other was never before taken notice of by Dionysius, or by any other author, I have made no difficulty to follow this correction in the translation.

^u Cicero against Rull. c. 12. ^v B. vii. c. 53.

" obscure,

“ obscure, illustrious? And call others seditious, and re-
“ proach them with a kind of banishment, as if all present
“ did not still remember what passed in their own time,
“ that your ancestors, having raised a sedition against the
“ magistrates, and left their own country, took refuge here,
“ as suppliants? Unless, indeed, you will say that your
“ family, in leaving their country through a desire of
“ liberty, acted nobly; but that the Romans, when they
“ did the same thing, acted otherwise. You have dared,
“ also, to revile the tribunitian power, as introduced into
“ the commonwealth for its destruction, and persuaded
“ these to abrogate this relief of the poor, this sacred, this
“ irrevocable relief, secured by the great sanction both of
“ gods, and men, thou greatest enemy to the people, and
“ most tyrannical of all men! Neither have you been able
“ to discover even this, that, in advancing these things, you
“ traduce both the senate, and your own magistracy: For
“ the senate, having raised a sedition against the kings,
“ whose pride, and insults they resolved, no longer, to bear,
“ established the consulship, and, before they had expelled
“ the kings, invested others with the regal power: So that,
“ every thing you have said against the tribunitian power,
“ as introduced for the destruction of the commonwealth,
“ because it sprung from sedition, you have said against
“ the consulship also: For this sprung from no other cause,
“ than from the sedition of the patricians against the
“ kings. But, to what purpose do I say these things to you,
“ as to a citizen indued with humanity, and moderation,
“ whom

“whom all here present know to have inherited from your
 “ancestors perverseness, severity, and enmity to the people,
 “and to have received from nature a savageness incapable
 “of being tamed? Why do I not rather prefer actions to
 “words; fall upon you, and let you see how great the
 “strength, unknown to you, is of that people, whom you
 “were not ashamed to call vagabond and vile, and how
 “great the power of this magistracy, which the law obliges
 “you to reverence, and submit to? I too shall lay aside all
 “dissimulation, and begin.”

XLVIII. Having said this, and taken the oath, which
 was among them the greatest, that he would either get the
 law passed, or lose his life, the people being all silent, and
 in an agony of expectation concerning what he was going
 to do, he ordered Appius to depart the assembly: But he,
 instead of obeying, placed the lictors about him together
 with the body of men, which he had brought from home
 for that purpose, and obstinately refused to leave the forum;
 when Laetorius, commanding silence, said, that the tri-
 bunes ordered the consul to be carried to prison. Upon
 this, the officer, by his command, advanced to seize his
 person; and the foremost lictor repulsed him with blows.
 The people raising a great outcry, and shewing their resent-
 ment, Laetorius himself came forward, and exhorted them
 all to assist him. Appius, supported by a numerous, and
 strong body of young men, stood his ground. After that,
 indecent words, and clamors passed between them, and they
 pushed one another; till, at last, the contest ended in
 blows,

blows, and they began to throw stones. But Quintius, the other consul, repressed their fury, and prevented the mischief from proceeding further; he, together with the most ancient senators, intreating, and conjuring them all to desist, and throwing himself between the contending parties. The day, also, was well nigh spent: So that, they separated against their will. The following days, the magistrates accused one another; the consul charging the tribunes with an endeavour to invalidate his authority, by ordering a consul to be carried to prison; and the tribunes complained that the consul had struck those, whose persons were rendered sacred by the law, Laetorius having on his face the marks of the strokes still to be seen: And the whole city, being full of rage and fury, was rent with faction. From this time, the people, together with the tribunes, kept guard in the capitol both day, and night without intermission. The senate then assembled, and entered into a long, and difficult consideration of the means to put a stop to the sedition; and, not only, the greatness of the danger, but the dissension, also, of the consuls presented itself to their thoughts: For Quintius advised to yield to the people in every thing, that was reasonable; but Appius thought death more eligible than submission.

XLIX. There being no end of these contests, Quintius took the tribunes, and Appius apart, and begged, and conjured them to prefer the consideration of the public to their private animosities: And, observing that those relented, but that his colleague persisted in his former arrogance, he persuaded

suaded Laetorius, and the rest of the tribunes to refer both their private, and public complaints to the determination of the senate. After he had obtained this, he assembled the senate ; and, giving great commendations to the tribunes, begged of his colleague not to oppose the public safety ; then called upon those, who used to deliver their opinions. Publius Valerius Poplicola, who was first called, advised that the mutual accusations of the tribunes, and the consul, relating to what they had suffered, or done in the tumult, since it had not flowed from an insidious design, or a view to their own ambition, but from a contest concerning public measures, might be dismissed by a general vote, and that no one be called in question on that account : And, concerning the law itself, since Appius, the consul, would not suffer any law to be laid before the people without the previous order of the senate, that the senate, first, take it into consideration ; and that the tribunes, together with the consuls, take care to preserve union, and good order among the citizens, when they come to give their votes in relation to it. This advice being approved of by all, Quintius immediately put the question to the senate concerning the law ; and, after many objections made to it by Appius, and many answers made to them by the tribunes, it was carried by a great majority to lay it before the people. The previous resolution of the senate being passed, the private contests of the magistrates ceased, and the people, joyfully, accepting this concession of the senate, ratified the law by their votes. From that time to this, the tribunes of the people, and the

aediles are chosen without auspices, or any other religious rites, in the assemblies of the tribes. This was the end of the tumult, which disturbed the commonwealth at that time.

L. Not long after, the Romans thought proper to raise forces, and to send out both the consuls against the Aequi, and the Volsci: For it was said that numerous armies of both these nations had taken the field, and were, then, laying waste the territories of their allies: The armies being soon ready, and the consuls having drawn lots for the command of them, Quintius marched against the Aequi, and Appius against the Volsci. The success of each of the consuls was such as might be expected: For the army commanded by Quintius, pleased with the mildness, and moderation of their general, were ready to obey all his orders, and presented themselves to most of the dangers of their own accord, from a desire of acquiring glory, and honor for their commander: Thus, he overrun great part of the country of the Aequi, and plundered it, the enemy not daring to come to an engagement: By which means, he possessed himself of a great booty, and rich spoils: And the army, after a short stay in the enemy's country, returned to the city without any loss, bringing home their general adorned with the lustre of his actions. But the army under Appius, from their hatred to him, neglected many things established by the Roman discipline: For, during the whole campaign, they shewed an affected cowardice, and a contempt of their general; and, when they were to engage the army of the Volsci, and their commanders

had

had drawn them up in order of battle, they refused to fight; and, even, the centurions, and the standard bearers, these, throwing away their standards, and the others leaving their ranks, fled to the camp: And, if the enemy, wondering at their unexpected flight, and fearing an ambush, had not stopped their pursuit, the greatest part of the Romans had been cut in pieces. This they did through the envy they bore to their general, lest, by the lustre of his success, he might have obtained a glorious triumph, and the other honors due to a conqueror. And the next day, when the consul sometimes upbraided them with their inglorious flight, sometimes exhorted them to efface that ignominious action by a noble effort; and, at others, threatened to put the laws in execution against them, if they refused to face the dangers of the field, they broke out into disobedience, clamoured against him, and desired he would lead them out of the enemy's country, spent as they were with the wounds they had received: For most of them had bound up the sound parts of their bodies, as if they had been wounded: So that, Appius was obliged to withdraw his forces from the enemy's country: And the Volsci, pursuing them in their retreat, killed a great number of them. As soon as they were in their own territories, the consul assembled the troops; and, after many reproaches, said he was resolved to inflict on them the punishment ordained against those who leave their ranks: And, notwithstanding the legates, and the other officers intreated him to use moderation, and not to accumulate calamities upon the commonwealth,

he paid no regard to any of them, but ordered the punishment to be inflicted. After which, the centurions, whose centuries had run away, and the standard bearers, who had lost their standards, were some of them beheaded with an ax, and others beaten with sticks till they died: The common soldiers were decimated; every tenth man, upon whom the lot fell, being put to death for the rest: This is the punishment in use among the Romans for those who leave their ranks, or deliver up their standards. After this, the election of magistrates drawing near, the consul, detested by all, brought home the remains of the army afflicted, and disgraced.

LI. ²⁵ Lucius Valerius for the second time, and Tiberius Aemilius being appointed consuls, the tribunes, after a short time, resumed the affair of the division of the lands; and, coming to the consuls, desired, and earnestly intreated them to perform the promises made by the senate to the people in the consulship of Spurius Cassius, and Proculus Virginius. Both the consuls favoured their request; Tiberius Aemilius from an old, and not an unreasonable resentment he entertained against the senate for having refused the triumph to his father, when he demanded it; and Valerius desired to apply a remedy to the displeasure, which the people had conceived against him for having, when quaestor, caused Spurius Cassius to be put to death as aiming at tyranny, a man, who had shewn himself, not only, the greatest general, but the ablest politician of his time, and first proposed the law concerning

²⁵ Λεγει Ουαλεριε. See the first annotation on the seventh book.

the division of lands ; and, for that reason chiefly was hated by the patricians, as one who sought to gain the affections of the people. The consuls, therefore, having promised them to propose the division of lands in the senate, and to assist them in procuring the law to be enacted, the tribunes gave credit to their promises ; and, going to the senate, spoke with great moderation : And the former, desiring to avoid the appearance of contention, gave them no opposition, but desired the oldest senators to deliver their opinions : Lucius Aemilius, the father of one of the consuls, was the first person called upon, who said that, “ in his opinion, it was “ both just in itself, and for the interest of the common- “ wealth, that the possessions of the public should be di- “ vided among all, and not among a few ; and he advised “ to gratify the people in what they desired, to the end that “ this concession might be esteemed a favor : For they had “ granted even many other things to them through neces- “ sity, not choice : And, that the possessors of the public “ lands ought to be thankful for the time they had enjoyed “ them unobserved ; and, when ordered to resign those “ lands, not desire to continue in the possession of them. “ He added that, besides the point of right, the force of “ which every one must acknowledge, and according to “ which the possessions of the public ought to be common “ to all, and Those of private persons the property of such “ as had acquired them according to law, the matter in “ question was, now, made even necessary by the senate, “ who, seventeen years before, had ordered the lands to “ be

“ be divided: And he shewed that the order, then made
“ by them, was advantageous to the commonwealth, since
“ the view of it was that neither the lands should lie un-
“ cultivated, nor the poor, by living at Rome in idleness,
“ which was now the case, envy the advantages of others;
“ and that young men might be brought up for the service
“ of the commonwealth in the habitations, and possessions
“ of their fathers, and derive some spirit from a good edu-
“ cation; since such, as have no possessions of their own,
“ and live miserably on the wages they receive for cultiva-
“ ting Those of others, either do not desire to beget children
“ at all, or, if they do, produce a bad and unhappy off-
“ spring, such, as may be expected from low marriages, and
“ a beggarly education. My opinion, therefore, is, says he,
“ that the consuls carry into execution the resolutions, which
“ were, then, passed by the senate, and have, since, been
“ delayed by reason of the intervening tumults, and appoint
“ the persons, who are to divide the lands.”

LII. Aemilius having spoken thus, Appius Claudius, the
consul of the former year, being the second person called
upon, gave a contrary opinion, and said, “ that neither the
“ senate ever designed to divide the possessions of the public
“ (otherwise their designs had, long since, been carried into
“ execution) but only deferred it to another season, and to
“ another consideration, from a desire of putting a stop to
“ the sedition, then, raging, which had been raised by the
“ consul, who was aiming at tyranny, and, afterwards,
“ suffered condign punishment: Neither did the consuls,
“ who

“ who were created immediately after this resolution of the
 “ senate, carry the same into execution, foreseeing the great
 “ mischiefs to which this would give birth, if the poor were
 “ once accustomed to share the possessions of the public :
 “ Neither did the consuls of the next fifteen years, though
 “ many dangers were brought upon them by the people,
 “ do any thing contrary to the interest of the public, because
 “ even these were not authorized by the resolution of the
 “ senate to appoint the persons, who were to divide the
 “ lands, but the first consuls : So that, it neither becomes
 “ you, Valerius, and Aemilius, descended as you are from
 “ worthy ancestors ; neither is it safe for you to propose the
 “ division of lands in this place, since the senate did not
 “ direct you to carry it into execution. Let this suffice to
 “ evince that you, who have been made consuls so many
 “ years after that resolution was passed by the senate, are
 “ not bound by it. Now, concerning those, who have either
 “ forcibly, or secretly, appropriated to themselves the public
 “ lands, a few words will be sufficient : If any man knows
 “ that another enjoys lands, to which he cannot support his
 “ title by law, let him give information of it to the consuls,
 “ and prosecute him according to the laws, which are not,
 “ now, to be enacted : For they have been enacted long
 “ since, and no length of time has abrogated them. But
 “ since Aemilius has, also, spoken to the utility of this mea-
 “ sure, and asserted that the division of lands will tend to,
 “ the good of all, I will not suffer even this part to pass
 “ without refuting it : For he seems to me to consider only
 “ the

“ the present, without any regard to the future ; because
“ the portion of the public lands to be granted to the idle,
“ and the poor, which seems to him, now, of small im-
“ portance, will, one day, produce many great evils : Since,
“ the custom, that accompanies it, and will subsist, must
“ for ever prove pernicious and dreadful : For the gratifi-
“ cation of wicked desires does not eradicate, but inflame
“ them, and render them still more wicked. Let their
“ actions convince you of what I say : For, to what pur-
“ pose should you pay any regard either to my words, or to
“ Those of Aemilius ?

LIII. “ You all know how many enemies we have over-
“ come, how large an extent of country we have ravaged,
“ and how great a quantity of spoils we have taken in the
“ towns we have conquered, the loss of which has reduced
“ the enemy from a state of opulence, to great want ; and
“ that those who, now, complain of poverty, were deprived
“ of none of these spoils, nor had less than their share in the
“ distribution of them. And, does it appear that they have
“ improved their former condition by these acquisitions, or live
“ in greater splendor ? I have wished, indeed, and prayed to
“ the gods that it might prove so, to the end they might
“ become less troublesome to the city they inhabit : But,
“ instead of that, you see, and hear them complaining of
“ their extreme poverty : So that, if you were to grant them
“ what they now ask, and more, their fortunes would not even
“ be improved by it : For the poverty of these men does not
“ flow from their condition, but from their behaviour ;
“ whom

“ whom this small portion of land will be so far from con-
 “ tenting, that even all the presents of kings, and tyrants
 “ cannot satisfy them. And, if we grant them this also,
 “ we shall act like those physicians, who, in their prescrip-
 “ tions, consult the taste of their patients : For the distem-
 “ pered part of the commonwealth will not be cured by this
 “ concession, but even the sound part will be infected.
 “ Upon the whole, senators, it is incumbent upon you
 “ to employ great care, and consideration that you may
 “ preserve, with all possible vigor, the manners of the
 “ people from the corruption, that is stealing upon them :
 “ For^o you see to what a height the disobedience of the
 “ people is arrived, and that they will, no longer, be go-
 “ verned by the consuls ; and were so far from repenting
 “ of what they did here, that they shewed the same diso-
 “ bedience even in the army, throwing down their arms,
 “ leaving their ranks, abandoning their standards to the
 “ enemy, and running away in a shameful manner before
 “ they engaged, as if they could rob me of the glory of the
 “ victory, without robbing their country, at the same time,
 “ of the trophies, which adorn that victory : These, now, are
 “ erected by the Volsci against the Romans, their tem-
 “ ples are adorned with our spoils, and their cities triumph,
 “ now, more than ever, which, before, used to supplicate our
 “ generals to save them from slavery, and subversion. Is
 “ it then just, is it becoming in you to thank them for such
 “ successes, and to reward them with public grants by a
 “ division of those lands, which, as far as in them lay, the
 VOL. IV. O “ enemy

“ enemy are masters of ? But, why should we accuse these,
“ who, through the want of education, and of birth, pay
“ little regard to worthy actions, when we see that all even
“ of our own number are not actuated with an ancient spirit :
“ So far from it, that, by some, gravity is called haughti-
“ ness ; justice, folly ; fortitude, madness, and modesty,
“ simplicity. On the other side, those things that were,
“ formerly, the objects of detestation, are, now, extolled,
“ and looked upon by the corrupted as wonderful qualifi-
“ cations, such as cowardise, buffoonry, malignity, crafty
“ wisdom, rashness in undertaking every thing that is bad,
“ and easiness in abandoning every thing that is good ;
“ vices, which have first seized, and then subverted many
“ strong cities. These things, senators, whether agreeable,
“ or displeasing to you, have been delivered with all truth,
“ and freedom ; and, to those among you, who shall ap-
“ prove of them (if any of you shall approve of them) they
“ will prove both a present advantage, and a future security ;
“ but, to me, who, to promote the good of the public, bring
“ private hatred upon myself, the cause of great dangers :
“ For reason enables me to foresee what will happen, and I
“ consider the calamities of others, as the examples of my
“ own misfortunes.”

LIV. After Appius had spoken thus, and almost all the rest of the senators had delivered the same opinion, the senate was dismissed. The tribunes, resenting their disappointment, departed ; and, after that, considered by what means they might take revenge on the man : They resolved, therefore,
after

after a long consultation, to try Appius for his life: And having, pursuant to that resolution, accused him in an assembly of the people, they desired all to be present on the day they should appoint, in order to give their votes concerning him. The accusations they designed to bring against him were these: That he had given pernicious counsels against the people; introduced a sedition into the city; laid hands on a tribune, contrary to the sacred laws; and, having the command of the army, returned home with loss, and great infamy. The tribunes, having declared these accusations in the assembly, and appointed a certain day, on which they said they would go through with the trial, they summoned him to appear on that day, and make his defence. All the patricians, resenting this proceeding, prepared themselves with the greatest zeal to save the man; but, when they advised Appius to submit to his situation, and appear in a manner suitable to his condition, he said, he would do nothing ungenerous, or unworthy of his former actions; and that he had rather die a thousand deaths, than throw himself at the feet of any man: And, when his friends were prepared to intreat the people in his favor, he opposed it, saying that he should be doubly ashamed to see others do That for him, which he thought unbecoming to do even for himself. After he had said this, and many other things of the like nature, and neither changed his dress, altered the fierceness of his looks, nor abated any thing of his spirit, when he saw every one intent upon his trial, and anxiously expecting the event of it, and

that a few days only were left, before it was to come on, he put himself to death. However, his friends pretended that he died of sickness. When his body was brought to the forum, his son went to the tribunes, and consuls, and desired they would assemble the people in the manner usual upon such occasions, and give him leave to make an oration upon the death of his father, according to the practice of the Romans at the funerals of worthy men: But the tribunes, while the consuls were calling the assembly, opposed it, and ordered the youth to take away the dead body. However, the people would not suffer it, nor bear to see the body cast out with ignominy; but gave leave to the youth to perform the customary honors to his father. This was the end of Appius.

LV. The consuls, having raised the armies, led them out of the city; Lucius Valerius marching against the Aequi, and Tiberius Aemilius against the Sabines: For these had made an irruption into the country of the Romans, during the sedition; and, having plundered a great part of it, were returned home with a considerable booty. The Aequi often engaged; and, great numbers of their men being wounded, they fled to their camp, which was strongly situated, and, from that time, never came out to fight. Valerius endeavoured to force their camp, but was hindered by the gods from effecting it: For, after he had approached the camp, and begun the attack, the heavens were covered with darkness, and there fell a prodigious rain, accompanied with lightning, and terrible thunder; and, as soon as the army was dispersed, the storm ceased, and over that place the sky was clear.

The

The consul, looking upon this as an omen, and the augurs, at the same time, dissuading him from besieging the camp, he was deterred from it, and laid waste their country; and, having given to his men all the booty he met with, he returned home with his army. While Tiberius Aemilius was over-running the enemy's country with great contempt of them at first, and expecting no enemy, he was attacked by the army of the Sabines, and a pitched battle was fought, which began about noon, and lasted till sun set; and when it was dark, the two armies retired to their camps, without either conquering, or being conquered: The following days, the generals buried each their own dead, and fortified their camps with ditches; and both of them took the same resolution, which was to defend their own camps; and not to engage in another action. At last, they struck their tents, and withdrew their forces.

LVI. The year following, which was the seventy eighth Olympiad, at which Parmenides of Posidonia won the prize of the stadium, Theagenides being annual archon at Athens, Aulus Virginius Nomentanus, and Titus Numicius Priscus were chosen consuls. They had no sooner entered upon their magistracy, than news was brought that the Volsci were advancing with a numerous army. And, not long after, one of the fortresses of the Romans was surprised, and set on fire: This fortress was near Rome, and the smoke informed the citizens of the misfortune. Upon this, the consuls, it being yet night, sent some horse to discover the motions of the enemy; and, having placed guards upon the walls,

walls, and posted themselves before the gates with those who were best prepared for expedition, they waited for the report of the horse. As soon as it was day, and all the forces in the city were assembled, they marched against the enemy: These, after they had plundered the fortress, and set fire to it, retired in haste. The consuls extinguished the fire; and, leaving a garrison in the fortress, returned to Rome. A few days after, both of them took the field with their own forces, and those of their allies, Virginius marching against the Aequi, and Numicius against the Volsci: The war succeeded according to the desire of both: For the Aequi, when Virginius was laying waste their country, durst not venture an engagement; but, having placed an ambush of chosen men in the woods with orders to fall upon the enemy when dispersed, they were disappointed of their hopes, the Romans soon discovering their design; when a sharp action ensued, in which the Aequi lost many of their men: So that, from that time, they declined even to try the fortune of another engagement. Neither did Numicius find any army to oppose him, while he was marching to ²⁶ Antium, which was, at that time, one of the most considerable cities of the Volsci; but all the people of that nation were forced to defend themselves from the walls of their respective cities. In the mean time, great part of their country was laid waste, and ²⁷ a small sea-port town was taken, in which there was

²⁶ Αντιάντων πόλιν. See the fifty seventh annotation on the fourth book.

²⁷ Πολύχνη τις ἐπιθαλάττιος. * Livy calls this small sea-port town *Ceno*, or,

as Sigonius says it is in the old editions, *Cerid*. If this is the present * *Nettuno*, it stood on the east of Antium, upon the little river *Loracina*.

* B. ii. c. 63.

* Cluver, Ital. Antiq. B. iii. p. 987.

a dock

a dock for their ships, and a market for all the necessaries of life ; and thither they used to carry the many prizes they made by their piracies : The consul gave leave to the army to plunder the place of the slaves, effects, cattle, and merchandise : But all the free men, who had escaped military execution, were directed to be sold publicly : There were, also, taken twenty two long ships belonging to the Antiates, together with the rigging, and furniture of other ships : After that, the Romans set fire to the houses by order of the consul, destroyed the dock, and demolished the walls to the foundations : So that, even after their departure, the fortress was no longer of any use to the Antiates. These were the exploits of the two consuls, while they acted separately : They, afterwards, joined their forces, and made an incursion into the territories of the Sabines ; and, having laid them waste, returned home with their forces. And thus the year ended.

LVII. The year after, Titus Quintius Capitolinus, and Quintus Servilius Priscus having entered upon the consulship, the national forces of the Romans were in arms, and those of their allies presented themselves of their own accord, before they had notice sent them of the intended expedition. And the consuls, after they had offered up their vows to the gods, and performed the lustration of the army, went out against the enemy. The Sabines, against whom Servilius marched, neither came to an engagement, nor took the field ; but, continuing in their strong places, suffered their lands to be laid waste, their houses to be burned, and their
 slaves

slaves to desert: So that, the Romans retired out of their country with great ease, loaded with spoils, and exulting in their success. This was the event of the expedition conducted by Servilius. The forces, which marched under Quintius against the Aequi, and the Volsci (for those, who were to fight for the common cause, were gathered together in one place from both the nations, and had incamped before the city of the Antiates) advancing with greater expedition than usual, appeared before them, and laid down their baggage not far from the enemy's camp, in a low place, where they first had been seen by, and seen, the enemy, to avoid the appearance of fearing the number of their forces, greatly superior to their own. When both armies were ready for the battle, they advanced to the plain; and, engaging, fought till noon, neither of them yielding to, or gaining ground upon, the other, and both continuing to relieve that part which suffered with fresh troops: But the Aequi, and the Volsci, being more numerous than the Romans, found the greatest benefit from this relief; and, by that means, had the advantage over the enemy, whose number was not equal to their courage. Quintius, seeing many of his men lie dead, and that the greatest part of those who survived were wounded, was upon the point of ordering a retreat to be sounded; but, fearing lest the enemy should look upon this retreat as a flight, he resolved to make a push: And, taking with him the best of his horse, flew to the right, which suffered most; where he upbraided the officers themselves with want of courage, put them in mind
of

of their former exploits; shewed them to what shame, and danger they would be exposed to, if they offered to fly; and, at last, asserted a thing that was not true, which contributed more than all he had said, to inspire his own men with confidence, and the enemy with fear: He told them, that their other wing had, already, put the enemy to flight, and were advanced to their camp. Having said this, he charged the Volsci; and, leaping from his horse, he, with the chosen horse he had brought with him, fought hand to hand. Upon this, those whose spirits flagged till then, were animated, and, as if they were become other men, all rushed upon the enemy. And the Volsci (for these stood opposite to them) after a long resistance, gave way. Quintius, having put these to flight, mounted his horse; and, riding to the other wing, shewed to the foot posted there that part of the enemy which was overcome, and exhorted them not to behave themselves with less bravery than the others.

LVIII. After this, none of the enemy stood their ground; but all fled together to their camp. However, the Romans did not pursue them far; but, being themselves spent with toil, and their arms, no longer, in the same condition, they returned. And, after a few days were passed, for which they had made a truce in order to bury their dead, and recover their wounded, they supplied themselves with every thing that was wanting, and fought another battle before their own camp: For the Volsci, and the Aequi, having received a reinforcement from the neighbouring fortresses, their general grew full of confidence, because his forces were,

now, even five times more numerous than Those of the enemy ; and, observing the camp of the Romans not to be strongly situated, he thought this the best opportunity to attack them. Having formed this design, he led his army to their camp about midnight ; and, surrounding it with his men, took care they should not steal away. Quintius, being informed of the number of the enemy, was glad they had resolved upon the attack of his camp ; and stayed till it was day, and till the hour, when the markets are, usually, crowded ; then, observing that the enemy were, already, spent both with want of sleep, and skirmishing, and advanced neither in their centuries, nor ranks, but promiscuously, and scattered here and there, he opened the gates of the camp, and sallied out with his chosen horse ; and the foot, doubling their files, followed. The Volsci, astonished at their boldness, and at the madness of their onset, after a short resistance, were repulsed, and retired from the camp of the Romans. There stood not far from it a hill of a moderate height : Thither they hastened, with a design both to rest themselves, and, after that, to form again ; but they had no leisure given them either to form, or to recover themselves : For the enemy followed them at their heels, closing their files as much as possible, to the end that, while they were forcing their way up the rising ground, they might not be borne down. Here followed a sharp action, which lasted great part of the day, and many fell dead on both sides. The Volsci, though superior in number, and defended by the advantage of the ground, received no benefit from
either ;

either; but, being forced by the ardor, and bravery of the Romans, they abandoned the hill; and, in flying to their camp, the greatest part of them were cut in pieces: For the Romans gave them no respite in the pursuit; but followed them close, and never gave over the chase till they had taken their camp by storm; and, having made all the men prisoners, who were left in the camp, and taken a great many horses, arms, and baggage, they incamped there that night: And the following day, the consul, having prepared every thing that was necessary for a siege, marched with his army to the city of the Antiates, which was not above thirty stadia distant from the camp. It happened that some auxiliary forces, sent by the Aequi to the Antiates, were then in the city, and had the guard of the walls; who dreading the boldness of the Romans, endeavoured to escape out of the place; but, being prevented by the Antiates, who had notice of their design, they resolved to deliver up the city to the Romans, as soon as they came before it: The Antiates, being informed of this, yielded to the necessity they were under; and, concerting measures with the Aequi, surrendered the city to Quintius upon these conditions; that the Aequi should have leave to depart, and that the Antiates should receive a garrison, and obey the commands of the Romans. The consul, having made himself master of the city upon these terms, and received provisions, and every thing else he wanted for his army, placed a garrison there, and returned to Rome with his forces. In consideration of his success, the senate, came

out to meet him; and, having received him with great marks of favor, honoured him with a triumph.

LIX. The following year, the consuls were Tiberius Aemilius for the second time, and Quintus Fabius, the son of one of the three brothers, who commanded the forces sent to the defence of Cremera, and were put to the sword there, together with their clients. As the tribunes, supported by Aemilius, one of the consuls, were, again, stirring up the people on account of the division of lands, the senate, with a view both to court, and relieve the poorer sort, passed an order to divide among them some part of the country of the Antiates, which they had conquered the year before, and now possessed. And the triumvirs, appointed to divide these lands, were Titus Quintius Capitolinus, to whom the Antiates had surrendered themselves, and with him Lucius Furius, and Aulus Virginius. But the generality of the people, and the poor, who looked upon themselves as driven out of their country, were displeased with this division; and few giving in their names, the senate resolved, since the colony was not complete, to permit such of the Latines, and Hernici, as were willing, to join it. The triumvirs, who were sent to Antium, divided the land among their own people, leaving a certain part of it to the Antiates. In the mean time, both the consuls took the field, Aemilius marching against the Sabines, and Fabius against the Aequi. Aemilius, having staid a considerable time in the enemy's country, found no army there to defend it: So that, after he had ravaged it with impunity, the election of magistrates drawing

drawing near, he returned home with his army. The Aequi sent embassadors to Fabius to treat of a reconciliation, and friendship, before they were compelled to either by the defeat of their army, or the loss of their towns: The consul, having exacted from them two months provisions for his army, two vests for every man, and six months pay, and whatever else he thought necessary, concluded a truce with them, till they could go to Rome, and obtain a peace from the senate; who, hearing what had passed, gave to Fabius full power to make peace with the Aequi upon such terms, as he himself should think fit. After that, the two nations entered into a league, by the interposition of the consul, upon these conditions: That the Aequi should, for the future, be subject to the Romans without being dispossessed either of their cities, or their territories; and that they should not be obliged to send any thing to the Romans but troops, when ordered, to be maintained at their own expence. Fabius, having made this treaty, returned home with his army, and, together with his colleague, nominated the magistrates for the following year.

LX. The consuls, named by them, were ²⁸ Spurius Postumius Albinus, and Quintus Servilius Priscus for the second time. In their consulship, the Aequi came to a resolution to violate the treaty lately made with the Romans,

²⁸. Σπυρίος Ποστύμιος Αλβίνος. ^γ Livy calls these consuls Q. Servilius, and Sp. Postumius, without any addition. this consul Sp. Postumius Albanus Regillensis; and others Sp. Postumius Albus Regillensis. The *Fasti consulares* of Petavius call

^γ B. iii. c. 2.

upon the following occasion: The Antiates, who were possessed of houses, and lands, continued still in the country, cultivating, not only, the lands appropriated to themselves, but, also, Those allotted by the triumvirs to the colony, under an engagement to pay to these a certain proportion of the produce: But those, who had neither, left the city; and, the Aequi willingly receiving them, they set out from thence, and committed robberies upon the territories of the Latines. After that, such of the Aequi, as were bold and poor, joined these robbers: And, when the Latines lamented their condition in the senate, and desired them either to send an army to their relief, or to suffer them to revenge themselves on the aggressors, the senate, upon hearing their complaint, did not think fit either to send an army, or to suffer the Latines to take arms; but, appointing three ambassadors, of whom Quintus Fabius, who had concluded the treaty with that nation, was the chief, they ordered them to inquire of the principal persons of that people, whether they had sent out these bands of robbers, by a general consent, into the territories of their allies, and into Those of the Romans (for there had been some incursions made upon these, also, by the fugitive Antiates) or whether the public had no hand in any thing which had happened: And, if they said the actions complained of had been committed by private persons, without the consent of the people, to demand restitution of the things stolen, and that the malefactors might be delivered up to them. Upon the arrival of the ambassadors, the Aequi, having heard their proposals, gave

gave them evasive answers; saying, indeed, that the robberies complained of had not been committed with the approbation of the public; but refusing to deliver up the guilty persons, who, being driven out of their city, and becoming wanderers, had implored their protection. Fabius, resenting this, protested against their violation of the treaty they had made with him; and, seeing the Aequi dissembled, and desired time to consider of his proposals, and sought to detain him under the pretence of hospitality, he took that opportunity of staying there, in order to pry into their affairs; and, visiting every part of their city, under the color of seeing their public places, and their temples, and particularly the shops of their armourers, where he found some arms already made, and others making, he discovered their design: And, returning to Rome, informed the senate both of what he had heard, and seen. And the senate, without hesitating any longer, came to a resolution to send the *feciales* with orders to declare war against the Aequi, unless they sent away the fugitive Antiates, and engaged to do justice to the injured. The Aequi gave haughty answers to the *feciales*, and made no secret of their disposition to accept the war. But the Romans were not at liberty to send an army against them that year; either by reason of a divine prohibition, or on account of the distempers, with which the people were afflicted during great part of it: However, a small army, sent to defend their allies, under the command of Quintus Servilius, one of the consuls, incamped on the frontiers of the Latines. At Rome, his colleague, Spurius
Postu-

Postumius, consecrated the temple of ²⁹ *Dius Fidius*, upon the ³⁰ *Quirinal* hill, on the day called the *nones* of June; which temple had, indeed, been built by Tarquin, the last king, but not consecrated in his reign with the ceremonies in use among the Romans. By order, therefore, of the senate, the name of Postumius was, upon this occasion, inscribed on the temple. Nothing else worth relating happened during their consulship.

LXI. In the seventy ninth Olympiad, at which Xenophon of Corinth won the prize of the stadium, Archedemides being archon at Athens, Titus Quintus Capitolinus, and Quintus Fabius Vibulanus entered upon the consulship; Quintus being appointed consul for the third time by the people, and Fabius for the second. Both these the senate sent into the field at the head of numerous armies well provided: Quintus was appointed to defend that part of the Roman frontiers, that lay contiguous to Those of the enemy; and Fabius, to harass the country of the *Aequi*: These Fabius found waiting for him on their own confines with a great army. After each of them had formed their camps in the most advantageous posts, they advanced to the plain, and the *Aequi* provoking the Romans to an engagement, and beginning the onset, they continued fighting great part of the day with resolution, and constancy; every man placing his hopes of victory in himself alone: But, the

²⁹ Τὸ Πιγίον Δίος. See the ninety first annotation on the second book. the *Mons Quirinalis*, now called, *Monte Cavallo*.

³⁰ Ἐπὶ τῇ Εὐαλίδι λόφῳ. This was

swords of the greatest part becoming useless by their repeated strokes, the generals ordered a retreat to be sounded, and both returned to their camps. After this action, no pitched battle was fought, but continual skirmishes happened, and engagements of the light armed men, as they were going out for water, and escorting convoys. And, upon these occasions, it seldom happened that either of them had the advantage. During these transactions, a detachment of the army of the Aequi, marching by other roads that were unguarded, made an irruption into that part of the Roman territories, which lay at the greatest distance from the frontiers, and was for that reason defenceless; from whence they took many captives, and effects; and returned home without being discovered by the parties sent out by Quintius to defend the country. The same thing happened continually, and exposed the consuls to great obloquy. After this, Fabius, being informed by his scouts, and by the prisoners, that the Aequi were gone out of their camp with the best of their forces, he himself marched in the night, at the head of a chosen body both of horse, and foot, leaving those, who were the most advanced in age, to guard the camp. The Aequi, having plundered the country into which they had made an incursion, were returning to their camp with a great booty; but they had not proceeded far, before Fabius presented himself before them; and, having taken away their booty, defeated those who stood their ground, after a brave resistance: The rest dispersed themselves; and, being acquainted with the roads, escaped the pursuers, and fled

to their camp. The Aequi, struck with this unexpected misfortune, decamped in the night; and, after that, never stirred out of their city; but suffered their corn, which was then fit to cut, to be carried off by the enemy in their fight; their herds of cattle to be driven away; their effects to be seized; their country houses to be set on fire, and many prisoners to be taken. After this action, Fabius, the time being come for the consuls to resign their power to others, returned home with his army: As did also Quintius.

LXII. When they came to Rome, they declared Aulus Postumius Albus, and ³¹ Spurius Furius consuls. These had, no sooner, entered upon their magistracy, than messengers sent in haste arrived from their allies the Latines, who being introduced into the senate, informed them that the Antiates were not to be depended upon, since the Aequi were, continually, sending deputies to them secretly, and great numbers of Volsci resorted to their city openly, under the color of buying provisions, and were introduced there by those, who had, before, left the city of the Antiates through want, when their lands were divided among the Romans, as I said, and deserted to the Aequi. They, also, informed the senate that this corruption of the inhabitants had spread itself even to many of their own colony; and that, unless their designs were prevented by the imposition of a sufficient garrison, an unexpected war would arise from thence against the Romans.

³¹ Σπέρσιον Φυρίου. I believe the praenomen of this consul was mistaken by the transcribers, because both ² Li-

vy, and the *Fassi consulares* call him Spurius Furius.

Not long after these messengers, others came from the Hernici, with advice that a numerous army of the Aequi were come out of their confines, and lay incamped in their country, where they plundered every thing; that the Volsci had joined the Aequi upon this occasion; and that the greatest part of their army consisted of the former. Upon this, the senate came to a resolution to send another garrison to quell those who were raising disturbances among the Antiates, and to secure the city (for some of them were come to Rome to justify themselves, and it was visible they had no good design) and that Spurius Furius, one of the consuls, should march with an army against the Aequi. And both armies soon took the field. The Aequi, hearing that the Romans were upon their march, decamped from the territories of the Hernici, in order to meet them. When they came in sight of one another, they incamped that day at no great distance: The day after, the enemy advanced to the camp of the Romans in order to sound their intentions; but these not coming out to fight, the others skirmished; and, without performing any considerable exploit, returned in triumph. The next day, the Roman consul decamped (for the place was not very secure) and formed his camp in a more advantageous post, where he sunk a deeper ditch, and strengthened it with palisades of a greater height. The enemy, seeing this, were greatly encouraged; and still more, after they had received a reinforcement both from the Volsci, and the Aequi: So that, without further delay, they led their forces to the camp of the Romans.

LXIII. The consul, considering that the army under his command was not sufficiently strong to encounter both these nations, sent some of his horse to Rome with letters, by which he desired that a reinforcement might, speedily, be sent to him, his army being in danger of a total defeat. After these letters were received by his colleague Postumius (it being about midnight when the horse arrived) he assembled the senate by dispatching several messengers to the houses of the senators; and, before it was broad day light, they came to a resolution, that Titus Quintius, who had been thrice consul, should instantly march against the enemy, in quality of proconsul, at the head of the bravest youth both foot, and horse; and that Aulus Postumius, the other consul, should assemble the rest of the troops, that could not so soon be brought together, and go to the assistance of the Roman army with all expedition. It was now day light, and Quintius had assembled about five thousand volunteers, with whom he, presently, marched out of the city. The Acqui had a suspicion of this: For which reason, they resolved to attack the camp of the Romans, before the succours should arrive, in expectation of forcing it by their numbers; and, with this view, they divided their army into two bodies, and all of them came out of their camp. The attack was maintained with great vigor during the whole day; and the enemy, who boldly mounted the intrenchments in many places, though exposed to a continual shower of javelins, arrows, and stones thrown by slings, could not be repulsed. Here, the consul, and the legate encouraging one another, both opened

opened the gates at the same time; and, sallying out upon the enemy with the bravest of their men, attacked them on both sides of the camp, and put to flight those, who were mounting the intrenchments. The enemy now giving way, the consul, after a short pursuit of those who fled before him, returned: But his brother and legate, Publius Furius, carried on by his courage and ardor, followed the enemy to their camp, charging them as they fled, with great slaughter. He had with him two cohorts, not exceeding a thousand men. As soon as the enemy, who were about five thousand, saw this, they rushed upon him from their camp: Some attacked his men in front, while their horse, wheeling about, fell upon their rear. The troops of Publius being thus surrounded, and cut off from their own army, when they had it in their power to save their lives by delivering up their arms (for the enemy invited them to this, and were extremely desirous to take a thousand of the bravest among the Romans prisoners, in order to obtain, through their means, an honourable peace) they despised the terms offered them; and, exhorting one another to do nothing unworthy of their country, they all died fighting, after they had killed many of the enemy.

LXIV. These being slain, the Aequi, elated with their success, advanced to the camp of the Romans, bearing aloft the head of Publius, and Those of the other considerable persons, fixed to their spears, in expectation that so dreadful a spectacle would terrify them, and compel them to deliver up their arms. The Romans were, indeed, moved with compassion

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at the calamity of the slain, and lamented their misfortune ; but they were inspired with a double ardor for the fight, and with a noble passion either to conquer, or to die like them rather than surrender. That night therefore, while the enemy lay before their camp, the Romans continued awake, and employed themselves in restoring those parts of it, that were impaired, and in contriving many and various things to repulse the enemy, if they attempted to renew the attack. The next day, the assault was repeated, and the palisades were pulled up in many places : The Aequi were often repulsed by the Romans, when these sallied out upon them in a body ; and, when the Romans advanced with too much boldness, they were often forced back by the others. This lasted the whole day : Here, the Roman consul was wounded in the thigh by a javelin, that pierced his shield, and many other persons of distinction, who fought by his side, were also wounded. By this time, the Romans were spent with toil, when Quintius, unexpectedly, appeared about the close of the evening, at the head of the reinforcement of choice volunteers. At the sight of these, the enemy retired, and raised the ineffectual siege ; and the Romans, sallying out upon them in their retreat, put the hindmost to the sword : However, as the greatest part of the former were weakened by their wounds, they did not pursue them far, but soon returned : And, after this, both remained a considerable time in their camps, acting upon the defensive.

LXV. After that, another body of the Aequi, and Volsci, thinking this a proper opportunity to plunder the country of
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the Romans, while their best troops were in the field, marched out in the night ; and, entering that part of their territories that was most remote, and where the husbandmen seemed to be under no apprehension, they possessed themselves of many captives, and a great booty. But the event of this expedition proved unfortunate to them in their return : For the other consul, Postumius, being informed of this enterprize of the enemy, while he was marching to the relief of the Romans, then besieged in their camp, appeared before them unexpectedly. These were neither astonished, nor terrified at his approach ; but, having, at their leisure, secured their baggage, and booty in a strong place, and left a sufficient guard to defend it, the rest marched in good order to encounter the Romans ; and, engaging, performed many memorable actions ; a few maintaining the fight against great numbers (for many came to the assistance of the Romans from the country) and those lightly armed, against men, whose bodies were, intirely, secured with armour : However, they killed many of the Romans ; and, though intercepted in an enemy's country, were very near erecting a trophy themselves against those, who had come to attack them : But the consul, and the Roman horse that was with him, all chosen men, charging, with their horses unbridled, that part of the enemy that was firmest, and fought with the greatest resolution, they broke them, and killed great numbers : Those in the front being slain, the rest gave way, and fled : And the men appointed to guard the baggage, abandoned it, and ran to the neighbouring

bouring mountains. In the action, few of them were slain; but very many in the rout, as they were both unacquainted with the country, and pursued by the Roman horse.

LXVI. While these things were transacting, the other consul, Spurius, being informed that his colleague was coming to his assistance, and fearing lest the enemy should go out to meet him, and intercept his march, resolved to divert them from this design by attacking their camp: But the enemy prevented him by decamping, as soon as they were informed of the misfortune of their forces by those, who had fled from the defeat; and, the night after the action, they retired to their city, without performing every thing they had proposed; since, besides those, who had lost their lives in the actions, and in plundering, they lost many more in their retreat: For, such of them, as were oppressed with toil, and weakened with the loss of blood, marched slowly; and their limbs failing them, they dropped down, particularly at the fountains, and rivers, to quench their thirst: These the Roman horse overtaking, put to death: Neither did the Romans themselves return home with complete success from this campaign: For they lost many brave men in the several actions, and a legate, who had distinguished himself above all the rest in that battle: However, they brought with them a victory inferior to none. These were the transactions of this consulship.

LXVII. The next year, Lucius Aebutius, and Publius Servilius Priscus were consuls; when the Romans, being afflicted with a pestilential distemper more severely than ever,
performed

performed nothing memorable either in military, or civil affairs. This distemper first attacked the studs of mares, and herds of oxen, and then seized the flocks of goats, and sheep, and destroyed almost all the quadrupeds: After that, it fell upon the shepherds and husbandmen; and, having spread itself through the whole country, it infected the city. It was no easy matter to discover the number of servants, workmen, and the poorer sort, who were carried off by it: For, at first, the dead bodies were conveyed away in carts by heaps; and, at last, those of the persons of least consequence were thrown into the river: But of the senate, the fourth part was computed to have died of it; among whom were both the consuls, and the greatest part of the tribunes. This distemper began about the calends of September, and continued all that year; seizing and destroying, without distinction, persons of both sexes, and all ages. When the neighbouring people were informed of the calamity, with which the Romans were afflicted, the Aequi, and the Volsci thought this a proper juncture to subvert their empire; and, with this view, they entered into an alliance, which they confirmed by their oaths: And, having prepared every thing that was necessary for a siege, they drew out their forces with all expedition. And, in order to deprive the Romans of the assistance of their allies, they first invaded the territories of the Latines, and of the Hernici. Lucius Aebutius, one of the consuls, happened to die on the very day the deputies from these nations, then invaded, came to the senate to beg assistance. However, Publius Servilius,

who was then dying, and could just breathe, ordered the senate to assemble: And the greatest part of the senators being brought half dead in litters, after consultation, directed the deputies who were then present, to acquaint their citizens, that the senate gave them leave to repulse the enemy by their own courage, till the consul was recovered, and the forces designed for their relief were raised. After this answer, the Latines removed every thing they could out of the country, into their cities; and, placing guards upon the walls, suffered all the rest to be destroyed. But the Hernici, resenting the ruin, and desolation of their country, ran to arms, and came out of their cities. They engaged with great bravery; and, having lost many of their own men, and put still more of the enemy to the sword, they were forced to take refuge within their walls, and did not, after that, venture another engagement.

LXVIII. When the Aequi, and Volsci had laid waste their country, they marched without resistance into That of the Tusculani. And, having plundered this also, none offering to defend it, they arrived at the territories of the Sabines. They passed through their territories with the same ease, and advanced to Rome. Their approach alarmed the city sufficiently: However, they could not make themselves masters of it: For the Romans, though in a weak condition, and having lost both the consuls (for Servilius was lately dead) armed themselves with greater vigor than strength, and lined the walls, the circuit of which was, at that time, of the same extent with That of Athens: Some parts of these walls,

walls, standing on hills, and being fortified by nature itself with steep rocks, required but few men to defend them; and others were defended by the Tiber, the breadth of which is about four hundred feet, and the depth capable of carrying large ships; and the stream of it is as rapid as That of any other river, and forms great eddies: There is no passing it on foot, unless it is over a bridge; and there was, at that time, only one, which was built with timber, and taken to pieces in time of war: The weakest part of the city is from the gate called Esquilina, to That named Collina, which interval is rendered strong by art: For there is a ditch sunk before it above one hundred feet in breadth, where it is the narrowest, and thirty in depth; on the edge of this ditch stands a wall, supported on the inside with so high and broad a rampart, that it can neither be shaken by battering rams, nor thrown down by undermining the foundations: This rampart is about seven stadia in length, and fifty feet in breadth. Here the Romans were, then, drawn up in great numbers, and from hence they repulsed the enemy; the men of that age being unacquainted with the structure either of towers to fill up ditches, called ³² Χελωναι Χωσριδες, *Tortoisés*, or of the machines, particularly

³² Χελωναι Χωσριδες. The use of this χελωνη (for there were several kinds of them) is described by ^a Polybius, where he gives an account of the siege carried on by Philip against the city of the Echinæenses. The intention of them was to fill up the ditches (from whence, I imagine, they had

their name) and, also, to assault the walls, which they equalled in height. The structure of them is described by ^b Vitruvius. ^c Caesar says that Trebonius, who commanded the siege of Marseilles, made use of one of these *testudines* (for so they were called by the Romans) that was sixty feet in

^a B. ix. p. 571.

^b B. x. c. 20.

^c De Bell. civili, B. ii. c. 2.

contrived for the taking of towns, called ³³ Ελεπολεις: The enemy, therefore, despairing of success in their attempt to take the city, retired from the walls; and, having laid waste all the country they marched through, returned home with their forces.

LXIX. The Romans created interreges to preside at the election of magistrates; which is a thing they usually do in a time of anarchy, and advanced Lucius Lucretius, and ³⁴ Titus Veturius Geminus to the consulship. In their magistracy the distemper ceased, and all civil contests, both public and private, were deferred, notwithstanding the endeavours of Sextus Titus, one of the tribunes, to resume the proposal of the agrarian law, which the people would not hear of, but desired it might be deferred to a more favourable juncture. There was, at the same time, a great eagerness in men of all degrees to take revenge on those, who had alarmed the city during the time of the plague:

height, in order to equal the wall; *antecedebat testudo pedum LX. aequandi loci causa facta.*

³³ Ελεπολεις. The *Helepolis* was a vast wooden tower consisting of a great many stories. It is supposed to have been invented by Demetrius Poliorcetes, at the siege of Rhodes, or, more probably, by his military architect, Epimachus, an Athenian. ^d Vitruvius says that it was 125 feet in height, and 40 square at the bottom, according to Perrault, not 60, as it stands in the editions. However, Diogenetus, the Rhodian engineer, disappointed

the effect of this enormous machine by causing a great quantity of water to be poured upon the ground at the foot of the wall; by which means, the earth being soaked with the water, the wheels of the *Helepolis* sunk into the ground; so that, it could never be brought near the walls.

³⁴ Τίτον Ουέτιριον Γεμινον. The *Festus consularis* call this consul T. Vetustius Geminus; and ^e Livy himself seems to doubt which is the right name; *T. Veturium Geminum, sive ille Vetustius fuit.*

^d B. x. c. 22.

^e B. iii. c. 8.

And

And the senate having soon resolved upon the war, and the people confirmed their resolution, they presently began to raise forces, every man of the military age, even those, who were by law exempt, desiring to share in this expedition. The army being divided into three bodies, one of them was left to defend the city, which was commanded by Quintus Fabius, a consular person; and the other two marched out against the Aequi, and the Volsci. The same thing had, also, been done by the enemy: For the best forces of both those nations were, already, in the field under two generals, and designed to begin with the territories of the Hernici, in which they were, then, incamped, and to proceed in their march through all Those, that were subject to the Romans: And the forces of less use were left to guard their towns, lest any sudden attempt might be made upon them by the enemy. The Roman consuls, considering these dispositions, thought it most adviseable first to attack their towns, concluding that the confederate army would be dissolved, as soon as each of the two nations of which it was composed, should hear that their own towns were exposed to the greatest danger, and that they would think it more adviseable to save their own fortunes, than to destroy Those of the enemy. Lucretius, therefore, invaded the country of the Aequi, and Veturius That of the Volsci. The former suffered every thing without their walls to be ruined, and prepared to defend their city, and their fortresses.

LXX. But the Volsci, led on by their boldness and pride, and despising the Roman army, as unable to cope with
the

the great numbers, of which their own consisted, came out in order to fight in defence of their country, and ³⁵ incamped near to Veturius: But the same thing, that usually happens to a new raised army composed of a mixed multitude of citizens, and husbandmen, brought together for that occasion, of which many are both unarmed, and unacquainted with danger, happened to the Volsci, who durst not so much as encounter the enemy; but the greatest part of them, astonished at the first onset of the Romans, and unable to bear either their shouts, or the noise of their arms, fled in all haste to their city: So that, many of them, being overtaken in the narrow roads, were put to death, and many more lost their lives, while they were crowding at the gates, to avoid the horse that pursued them. The Volsci, therefore, after this misfortune, reproached themselves with their folly, and were unwilling to hazard another engagement: But the generals, who commanded the forces of the latter, and Those of the Aequi in the field, hearing their own cities were attacked, resolved to perform some brave action on their part also; to decamp from the country of the Hernici and the Latines, and, in the height of their resentment, to march in all haste to Rome, since they, also, persuaded

35. Πλησιον τῇ Ουέτιρι καὶ στρατοπεδεύσαν.
Le Jay has enjoyed a long truce, which I shall only interrupt for a moment in order to give the reader an opportunity of admiring his translation of this passage, or rather of Portus's translation of it. The latter says, *prope Veturium castra posuerunt*; and le Jay, having

forgotten that *Veturius* was the name of one of the consuls, takes *Veturium* for a town, and renders it thus, *se camperent prope Veturium*. Had he cast his eye on the Greek text, and understood it, the article τῇ would have saved him from this ridicule.

them-

themselves that they should succeed in one of these two great designs, either take Rome, which was then unguarded, or draw the enemy out of their territories, since the consuls must, necessarily, hasten to the relief of their own country, when attacked. In consequence of this plan, they made a forced march, to the end that, coming to the city unexpectedly, they might that instant begin the assault.

LXXI. But having advanced as far as the city of Tufculum, and being there informed that the whole circuit of Rome was lined with armed men, and that four cohorts, of six hundred men each, were posted before the gates, they abandoned their design of marching to Rome; and, incamping, laid waste the lands, that lay near the city, which, in their former irruption, they had left untouched. But the consul, Lucius Lucretius, appearing, and incamping not far from them, they thought this a proper opportunity to give him battle before the other army of the Romans, which was commanded by Veturius, should come to the assistance of Lucretius; and, placing their baggage upon a certain eminence, and leaving two cohorts to defend it, the rest advanced to the plain. After which, they engaged the Romans, and fought bravely for a long time: But some of them being informed that an army was come out of the fortresses, that were in their rear, and marching down from an eminence, they thought the other consul was advancing with the forces under his command; and, fearing to be encompassed by both, they, no longer, stood their ground, but fled. In this action, both their generals fell,
after

after they had given great proofs of their valor, and with them many other brave men fighting by their side. Those, who escaped from the battle, dispersed themselves, and every man retired to his own country. After this defeat, Lucretius laid waste the country of the Aequi with great security, and Veturius That of the Volsci; till the time appointed for the election of magistrates drew near: Then both of them, decamping, returned to Rome with their armies, and triumphed in honor of their victories: Lucretius entering the city in a chariot drawn by four horses, and Veturius on foot: ³⁶ For these two triumphs are granted to generals

³⁶ Δυσὶ γὰρ ἔσσι θρίαμβοι. See the thirty ninth annotation on the fifth book. M. *** observes that ^f Livy, in speaking of the ovation granted by the senate to Veturius, says, *alteri consuli datum, ut ovans sine militibus urbem iniret*. From these words, he concludes that all, to whom the ovation was granted, performed this procession without their foldiers: I do not deny the fact; but I deny the consequence. I do not deny the fact, I say, because I know from ^g Massurius, quoted by Gellius, that, in the lesser triumph, called the *ovation*, the general went on foot, and was not followed by his foldiers, but by the whole senate. But still I say that it cannot be concluded from this particular decree, by which the ovation without foldiers was granted to Veturius, that no generals, upon these occasions, were ever attended by their foldiers, any more than it can be concluded

from another decree, by which the senate ordered C. Claudius to perform his ovation on horseback, ^h *C. Claudius equo sine militibus invehetur*, that all generals proceeded on horseback in that ceremony. This nobody will say; because we know from ⁱ our author, and, indeed, from all others, who have written upon this subject, that the ovation was, generally, performed on foot. But, though I have said that the generals, upon those occasions, were not attended by their foldiers, yet there are some reasons alledged by Livy why C. Claudius was not attended by his foldiers, which give reason to suspect that this practice was not so universal as it is supposed. When I speak of the ovation decreed to C. Claudius, the reader will recollect that it was in consideration of the important service he had done his country in leaving his own province, and joining his colleague M. Livius: The

^f B. iii. c. 10. ^g B. v. c. 6. ^h Livy, B. xxviii. c. 9. ⁱ See the forty seventh chapter of the fifth book.

by the senate, as I have said, and are equal in other honors, but differ in this, that one is performed in a chariot, and the other, on foot.

consequence of this step was the defeat, and death of Asdrubal, who was come into Italy at the head of a formidable army to assist his brother Annibal. Had the junction of these two armies been effected, it is highly probable that the Romans, notwithstanding their courage, and constancy, would have been ruined. In consideration of this service, the senate decreed the greater triumph to M. Livius, because the action had been performed in his province, and under his auspices, as the Romans called it; and to C. Claudius the lesser; and that the former should be attended with his soldiers, and the latter not: For which, these reasons are alledged in the decree of the senate; because the army of Livius was already at Rome, but the army of Claudius could not be drawn

out of his province; ^k *quoniam exercitus Livianus deductus Romam venisset, Neronis de provinciâ deduci non potuisset; ut M. Livium quadrigis urbem ineuntem milites sequerentur: C. Claudius equo sine militibus inveheretur.* Here the reason assigned in the decree why Claudius was not to be attended by his men, is, because his army could not be drawn out of his province; which reason, I am apt to think, would not have been assigned, if it had been the constant practice for a general never to be followed by his soldiers in an ovation. But this question has been, already, decided by ^l our author, where he says in so many words, that the general, who triumphs in the manner called the ovation, enters the city on foot, *followed by the army, μετὰ τῆς στρατίας προηγούμενος.*

^k Livy, B. xxviii. c. 9. ^l B. v. c. 47.

The end of the Ninth book.

THE
ROMAN ANTIQUITIES
OF
DIONYSIUS HALICARNASSENSIS.

THE TENTH BOOK.

THE year after this consulship, the eightieth Olympiad was solemnized, at which Torymbas, a Thesfalian, won the prize of the stadium, ¹ Phraclides being archon at Athens, and Publius Volumnius, and Servius Sulpicius Camerinus consuls at Rome. These led no forces into the field, either to take revenge on those, who had injured both the Romans, and their allies, or to defend their own country; but employed themselves in providing against the evils, that might arise within the walls, and in preventing the mischief flowing from a combination of the people against the senate: For they were again in motion, being

ANNOTATIONS on the Tenth Book.

¹ Αρχαίος Αθηνησι Φρασικλες. This Φασικλειδης, and, in the succession of archonis called, by ² Diodorus Siculus, the Athenian archons, Phaciclides.

²B. xi. c. 77.

told by the tribunes that the best of all institutions for free men was an ² equal distribution of justice ; and they desired that all affairs, both private and public, might be administered according to laws: For there was, as yet, no such thing among the Romans as an equality of laws, or an equal distribution of justice, neither were all their laws committed to writing ; but, formerly, their kings used to administer justice to the suitors, and their decisions were laws : After they ceased to be governed by kings, among the other functions of royalty, That of administering justice also was transferred to the annual consuls, and they decided all contests, of what nature soever. ³ The rules of these decisions

² *ισογογία*. See the ninth annotation on the fourth book ; where, I think, I have proved that *ισογογία* does not, always, signify *an equal liberty of speech*. However, the Latin translators have given it that sense here ; and, after their example, both the French translators have said, *une égale liberté de parler* ; a privilege, which the wives of the Romans might, very naturally, have claimed : This cannot possibly be the sense of the word in this place ; because our author will presently tell us that there was no such thing among the Romans hitherto, as *ισονομία*, or *ισογογία*. And will any one say that the Romans were not, as yet, intitled to freedom of speech ? Truly the many bold harangues of the tribunes, which our author has given us at length, sufficiently prove the contrary. Livy, in speaking of this very transaction, never says a word of freedom of speech ; but, in the original proposal made by the tribunes for creating these legisla-

tors, he says, the intention was that they should propose such laws, as should be beneficial both to the patricians, and plebeians, and establish equal liberty ; ^b *qui utrisque utilia ferrent, quaeque aequandae libertatis essent*. Again, he makes the first decemvirs, after they had finished ten of the tables, tell the people that they had, as far as the wit of ten men could provide, established laws equal to men of all conditions ; ^c *se, quantum decem hominum ingenii provideri potuerit, omnibus summis infimisque jura aequasse*. This is what our author calls *ισονομία*. But, as impartial laws would have been of no avail to the Roman people without an impartial execution of them, This also they, with great reason, insisted on ; and this is what he calls *ισογογία*.

³ *Τελων δε τα πολλα*. This period is certainly corrupted in all the editions, and manuscripts. The sense I have given to it was suggested to me by the next sentence.

^b B. iii. c. 31.

^c B. iii. c. 34.

were, for the greatest part, kept by the ministers of the consuls, who were advanced to that magistracy for their virtue: And some very few of them were recorded in the books of the pontifs, which had the force of laws, and with which the patricians alone were acquainted, by reason of their residence in the city; while the people, who were either merchants, or husbandmen, and came to town only on the market days, between which many days intervened, were, as yet, unacquainted with them. This institution was, first, attempted to be introduced by Caius Terentius the year before, while he was tribune; but he was forced to abandon it, because the people were, then, in the field; and the consuls, industriously, detained the armies in the enemy's country till the expiration of their magistracy.

II. Aulus Virginius, and the other tribunes of this year resumed this institution, and resolved to carry it through: On the other side, the consuls, the senate, and all the rest of the men in power* tried every art to defeat their design, and to avert the necessity of making laws the rules of their government. The senate met frequently, the people were continually assembled, and attempts of all kinds were made by the magistrates against one another. From all which, it was manifest to every one that some great, and irreparable mischief would flow from this animosity. These human reasonings were confirmed by divine omens, some of which had never been recorded in the public archives, nor the memory of them been preserved by any other means: Lights shooting along the heavens, and flames continuing in the
same

same place, roarings of the earth, and continual tremblings of it had happened, spectres of various shapes at various times gliding through the air, and voices astonishing the minds of men, and every thing of that nature was found to have happened formerly, more or less: But the following prodigy, which they were unacquainted with, and had never heard of, struck them with the greatest terror: There fell from heaven a violent shower, bringing down with it, instead of snow, ⁴ pieces of flesh, some less, some greater; most of these the birds, flying to them in flocks, seized with their beaks, as they were falling through mid air; and those pieces, that fell to the ground in the city itself, and in the fields, lay there a considerable time without changing their color, as happens to stale meat, or even corrupting, or smelling ill. The Roman soothsayers were unable to guess at the meaning of this prodigy; but in the Sibylline books it was found that a foreign enemy would enter the city; that the citizens would fight to preserve themselves from being made slaves, and that a civil dissension would be the

⁴ Σαρκων θενυσμα. If any of my readers have a taste for prodigies, they will find this tale recorded by ^a Livy also, who deals much more in prodigies than our author. But, if these authorities are not sufficient to prove the fact, let it be remembered that it ^c rained flesh likewise upon the Israelites, when they were in the desert. We hear of showers of blood, and milk, and of many other things: But the most beneficial shower I have met with (next to Jupiter's golden shower) was

^a E. iii. c. 10.

a shower of silver, which Xiphilinus, the epitomator of Dion Cassius, says fell on the forum of Augustus in the reign of Severus: This shower Dion says he did not indeed see, but is sure it fell, because he had some of it, with which he silvered over some pieces of brass, and the color of the silver remained upon them for three days; but, on the fourth, it quite disappeared. By this, it seems that the silver rain was not silver after all; which I am very sorry for.

^c Psal. lxxviii. v. 27.

forerunner of this war with a foreign enemy ; which sedition they were to banish from the city in its birth ; and that, if they invoked the gods by sacrifices, and prayers to avert these misfortunes, they would gain the victory over their enemies. After these things were published to the people, the persons, who had the care of religious rites, first, sacrificed victims to those gods, who remove, and avert evils : After which, the senators assembled, and the tribunes being also present, they considered of the means both to secure, and preserve the commonwealth.

III. They all agreed to put an end to their mutual animosities, and to act with unanimity, according to the direction of the oracles. But they were under no small difficulty concerning the means, that were to be employed to effect this ; and which of the contending parties, by taking the first step in yielding to the other, should put an end to the sedition : For the consuls, and the leading men of the senate accused the tribunes of being the authors of this disturbance, by attempting to introduce new laws, and to subvert the constitution. On the other side, the tribunes said they aimed at nothing, that was either unjust or disadvantageous to the commonwealth, in desiring to introduce a good system of laws, and an equal distribution of justice ; and that the consuls, and the patricians promoted the sedition by fomenting their lawless appetites, and thirst of power, and by imitating the behaviour of tyrants. These, and the like reproaches were urged by each of them for many days, and the time was spent in vain ; during which, no business
either

either public, or private was dispatched. The tribunes, finding that nothing they could say proved effectual, ceased to harangue, and inveigh against the senate; and, assembling the people, promised them to bring in a law relating to what they desired. This being approved of by the people, they, without further delay, read the law they had prepared; the heads of which were as follows: That ⁵ten persons be chosen by the people in a legal assembly, the most distinguished both by their age, and prudence, and who have the greatest regard for honor, and a good reputation: That these draw up laws concerning all matters both public and private, and lay them before the people: And that the laws, so to be drawn up by them, be affixed in the forum, as rules both to the magistrates, who shall, from henceforth, be annually chosen, and to private men of their mutual rights. After the tribunes had proposed this law, they gave leave to all who were willing, to speak against it; and appointed the third market day for that purpose. And many, not the least considerable of the senate, both old and young, opposed the law in elaborate, and set speeches. This lasted many days: After which, the tribunes, being uneasy at the loss of time, would not suffer the opposers of the law to harangue, any longer, against it; but, appointing a day for passing it, desired all the plebeians to attend,

⁵ *Ἀνδρας δέκα*. There is a note of Sylburgius upon this passage, in which ^f Livy is quoted for saying that only five men were to be chosen to compile the laws. But, that learned man forgot that the proposal Livy speaks of was made the year before, in the consulship of Lucretius, and Veturius.

assuring them they should not be tired, any more, with long discourses, but give their votes in their tribes, concerning the law. After these assurances, the tribunes dismissed the assembly.

IV. Upon this, the consuls, and the patricians who had most power, going to the tribunes, treated them with more severity than before ; saying they would not suffer them to propose laws without the previous approbation of the senate : For that laws were contracts entered into by the whole body of the commonwealth, and not by a part of it : They told them, also, that the most afflicting, and the most shameful destruction must be the consequence both to governments, and private families, whenever the worst part prescribes laws to the best. “ What power, said they, have
“ you, tribunes, either to introduce, or abrogate laws? Did
“ you not receive this magistracy from the senate, upon
“ certain conditions? Did you not desire that the tribunes
“ might be created to assist the poorer sort, when injured,
“ and oppressed and to take cognizance of nothing else?
“ But, if you were, before, invested with any power, which
“ you had extorted from us contrary to justice, while the
“ senate acquiesced in every thing you proposed for your
“ own advantage ; have you not lost even this power now,
“ by the alteration of the comitia? For neither a decree of
“ the senate appoints you, any longer, to the magistracy;
“ nor do the curiae give their votes concerning you ;
“ neither do you offer up to the gods, before your election,
“ the sacrifices appointed by the laws ; nor is there any
“ thing

“ thing else performed, that has an appearance of religion
 “ to the gods, or of legality to men, when you are elected :
 “ What then is there you can, now, pretend to share in, that
 “ requires sacrifices, and holy rites, of which the law is one,
 “ when you renounce all laws ?” These things both the
 old, and young patricians, going about the town with those
 of their faction, urged to the tribunes: The more moderate
 of the plebeians they soothed with courteous language ; and
 the refractory and turbulent they terrified with threats of
 the dangers, to which they would expose themselves through
 want of modesty ; and some, who were exceeding poor and
 abject, and regardless of every thing relating to the public
 in comparison of their own interest, they drove out of the
 forum with blows, as if they had been slaves.

V. But the person, who was attended with the greatest
 number of followers, and who had the greatest power of all
 the young men at that time, was Cæso Quintius, the son
 of Lucius Quintius, called Cincinnatus, a man of illustrious
 birth, and of a fortune inferior to none, beautiful in his
 person beyond any of his age, distinguished above all men
 for his bravery, and qualified by nature for eloquence ; to
 which he gave a loose, upon this occasion, in inveighing
 against the plebeians, without refraining either from such
 language, as freemen cannot hear with patience, or from
 actions as outrageous as his language: For these reasons,
 the patricians held him in great esteem ; and, encouraging
 him to continue this dangerous behaviour, promised to sup-
 port him. On the other side, the plebeians hated him above

Cæso. Quintius.

all men. This man the tribunes determined to remove out of the way, in order to terrify the rest of the youth, and compel them to reform their manners. Having taken this resolution, and prepared their charge with many witnesses to support it, they accused him of a capital crime committed by him against the public. After that, they summoned him to appear before the people; and the day they had appointed for the trial being come, they assembled them, and laid themselves out in long accusations against him; enumerating all the acts of violence he had been guilty of towards the plebeians, of which they brought the sufferers themselves to give testimony. Leave being given him to speak, the youth himself, when called upon, refused to make his defence; but offered to answer the complaints of such private persons, as he was accused of having injured, before the consuls according to the laws. His father, observing the plebeians to be exasperated at the haughtiness of the youth, endeavoured to excuse him by shewing that the greatest part of the accusations was false, and contrived insidiously against his son; that those instances, which he could not deny, were small and trifling, and not deserving the resentment of the public; and that, even, these had not proceeded from design, or insolence; but from a youthful ambition, through which he had done many inconsiderate things during these contests, and, possibly also, suffered many, as neither his age, nor his prudence were yet arrived to their maturity: And he desired the plebeians, not only, to entertain no resentment for the offence, which his words

had

had given, but even gratefully to remember the many services he had done to all of them in the wars, while he was employed in acquiring liberty for private men; sovereignty for his country; and, for himself, if ever he should be guilty of any offence, the favor, and protection of the people. He, then, enumerated all the campaigns, and the actions, in which he had received from his generals rewards of valor, and crowns; how many citizens he had saved in battle; and how often he was the first man, who mounted the walls of the enemies towns. He ended with imploring their compassion, and with intreating them that, in consideration of his own mildness to all of them, and of his course of life, which they knew to be free from every kind of imputation, they would grant him this single favor, to save his son.

VI. The people were exceedingly pleased with this speech, and ready to grant the life of the youth to his father: But Virginius, well knowing that, if he was not punished, the insolence of the audacious youth would become intolerable, rose up, and said: “ We acknowledge in you, Quintius, “ every virtue, as well as an affection for the people; for “ which we honour you: But the offensive behaviour of “ this youth, and his haughtiness to us all admits not of any “ deprecation, or pardon: Who, being educated in your “ principles, which we all know to be so popular, and moderate, despised your institutions, and grew fond of a “ tyrannical arrogance, and a barbarian insolence; and introduced an example of wicked actions into our common-

“wealth. If, therefore, you were, before, unacquainted
“with his character, now you know him, you ought in
“justice to espouse our resentment: But, if you were privy to,
“and abetted, the abuses, with which he insulted the miseries
“of the indigent citizens, you, also, were a wicked man, and
“did not deserve the virtuous character you had acquired: But
“you did not know that he had degenerated from your
“virtue: This testimony I can give you. But, when I
“acquit you of joining with your son in injuring us at that
“time, I blame you for not joining with us, now, in re-
“senting those injuries. However, that you may be the
“more convinced how great a mischief you have nursed up,
“unknown to yourself, against the commonwealth, how
“cruel and tyrannical, and not free from the murder of his
“fellow-citizens, hear his great exploit; and, then, place
“in the other scale those rewards of valor he received in the
“wars. And, citizens, as many of you as were, just now,
“affected with the compassion, which this man endeavoured
“to excite, consider whether it is your interest to spare such
“a citizen.”

VII. Having said this, he desired Marcus Volscius, one
of his colleagues, to rise up, and say what he knew concern-
ing the youth. All being silent, and full of expectation,
Volscius, after a short pause, said; “I could have wished,
“citizens, to have received a private satisfaction, such as
“the law affords, from this man for the most cruel out-
“rages I have suffered: But, having been prevented from
“obtaining this by poverty, weakness, and by my rank
“among

“ among the vulgar, I shall lay hold on this opportunity
 “ to take upon myself the part of a witness, since I cannot
 “ That of an accuser. Hear, then, my sufferings, how
 “ cruel, how irreparable they are. I had a brother, whose
 “ name was Lucius, whom I loved above all men: He and
 “ I supped with a friend; and, night coming on, we rose
 “ from supper, and departed. After we had passed through
 “ the forum, Cæso came up to us, revelling with other in-
 “ solent youths: At first, they laughed at us, and abused us,
 “ as young men, when drunk and insolent are apt to abuse
 “ those, who are mean and poor: We being displeased at
 “ this behaviour, my brother spoke to them with freedom.
 “ Cæso, thinking himself injured in having any thing said
 “ to him he did not like, ran to him; and, by striking,
 “ kicking, and every other act of cruelty and abuse, put
 “ him to death. In the mean time, I cried out, and did
 “ all I could to defend him; when Cæso, leaving my
 “ brother who lay dead, struck me next, and ceased not,
 “ till he saw me stretched upon the ground without motion,
 “ without speech, and, as he thought, without life: Upon
 “ this, he went away exulting, as if he had performed a great
 “ exploit. Some persons, coming by after he was gone,
 “ took us up covered with blood, and carried us home, my
 “ brother Lucius being dead as I said, and I half dead, and
 “ shewing small hopes of life. These things happened in
 “ the consulship of Publius Servilius, and Lucius Aebutius,
 “ while the distemper raged in the city, with which we
 “ both had been attacked. It was not, therefore, possible
 “ for

“ for me to obtain justice against him, at that time, since both
 “ the consuls were dead. After Lucius Lucretius, and Titus
 “ Veturius had entered on their magistracy, I designed to
 “ have brought him to justice, but was prevented by the
 “ war, both consuls being in the field: After they returned
 “ from the campaign, I often cited him to appear before
 “ those magistrates (as many of the citizens know) and as
 “ often received blows from him. These are my sufferings,
 “ plebeians, which I have related to you with the greatest
 “ truth.”

VIII. After he had said this, all who were present, cried out; and many were proceeding to violence; but they were prevented, not only, by the consuls, but, also, by the greatest part of the tribunes, who were unwilling that a pernicious custom should be introduced into the commonwealth: The most dispassionate even of the people were not less unwilling to deprive those, who were upon their trial when the event was of the greatest consequence, from making their defence. Upon this occasion, therefore, a regard to justice restrained the violence of the bolder sort, and the trial was put off; but no small contest, and doubt arose concerning his person, whether he should be detained in prison in the mean time, or whether bail should be taken for his ⁶ appearance,

⁶. Αφιξεως. I think Stephens had no reason to find fault with this word, and to substitute παρασσεως in its room. Αφιξις signifies, as ⁷ Julius Pollux explains the word, παρασσια, what we call an appearance; and ελθυνας δευαι της αφιξεως, is plainly, to give

bail* for his appearance. ^h Livy, in speaking of this affair of Cæso, calls it *sisti reum*, which amounts to the same thing; *in vincula conjici vetant (tribuni) sisti reum, pecuniamque, nisi sistatur, populo promitti, placere pronuntiant.*

⁷ B. v. Segm. 155.

^h B. iii. c. 15.

as his father desired : When the senate assembling ordered that, if security was given for the payment of a sum of money in case of his non appearance, his person should be free till the trial. The next day, the tribunes assembled the people, and the youth not appearing, they procured a vote to be passed for his condemnation, and compelled his sureties, who were ten, to pay the money agreed on in case they did not surrender him. Caeso, therefore, being thus circumvented by the intrigues of the tribunes, and the false testimony of Volscius, as it afterwards appeared, chose Tyrrhenia for the place of his banishment. His father, having sold the greatest part of his estate, and repaid the sureties the money they had been bound in, left nothing for himself but one small farm lying on the other side of the river Tiber, on which there was an humble cottage ; where, cultivating this farm with the help of a few slaves, he led a laborious, and calamitous life ; and, through melancholy, and poverty, neither came to Rome, visited his friends, assisted at the festivals, nor allowed himself any other entertainment. However, the tribunes were greatly disappointed in their expectations : For the animosity of the young men was so far from being reformed, and extinguished by the calamity of Caeso, that it grew much more outrageous and excessive ; and they opposed the law, which the tribunes had so much at heart, both by their words, and actions : So that, the whole time of their magistracy being taken up with these contests, they were not able to effect any thing. However, the people continued them in the tribuneship for the following year.

IX. Publius Valerius Poplicola, and Caius Claudius Sabinus being consuls, Rome saw herself exposed to a greater danger than she had ever yet experienced, by a foreign war, which the civil dissension brought upon the city; as both the Sibylline oracles, and the prodigies had foretold the year before. I shall now relate, not only, the cause of this war, but, also, the actions performed by the consuls during the course of it. The tribunes, who had been invested by the people with this magistracy for the second time, in expectation of their procuring the law to be passed, seeing one of the consuls, Caius Claudius, possessed with an hereditary hatred against the plebeians, and prepared to defeat their designs by every method, and the most powerful of the youth acting with undisguised rage, whom it was impossible to subdue by force; and, above all, that the greatest part of the people, courted by the patricians, yielded to their application, and preserved, no longer, the same zeal for the law in question; they resolved to take bolder measures, by which they expected to terrify the people, and repel the attempts of the consul. First, therefore, they caused reports of all sorts to be spread about the city; after that, they sat in council, publicly, from morning till night, without admitting any person, besides Those of their own college, to their counsels, and deliberations. When they saw a proper opportunity to carry their designs into execution, they writ feigned letters, and contrived to have these delivered to them by an unknown person, as they sat in the forum: After they had read these letters, they beat
their

their foreheads; and, having composed their looks for grief, rose up: The people flocking about them, and concluding that some dreadful mischief was contained in those letters, they commanded silence, and said: “ The plebeians are in
 “ the greatest of all dangers, citizens; and, if some benevo-
 “ lence of the gods had not taken care of those, who were
 “ exposed to undeserved sufferings, we should all have fallen
 “ under dreadful calamities. We desire you will have a
 “ little patience, till we give an account to the senate of the
 “ information we have received, and with joint consent take
 “ such measures, as are necessary in the present juncture.”

Having said this, they went to the consuls. While the senate was assembling, many and various discourses passed in the forum; some publishing to the people assembled in circles, with design, such reports, as had been suggested to them by the tribunes; and others, those things they most dreaded, as the subject of the information sent to those magistrates. One said, that the Aequi and the Volsci, having received Caeso Quintius, lately condemned by the people, had chosen him general of both the nations with unlimited authority, and that he had raised a great number of forces, and was preparing to march to Rome: Another, that, in concert with the whole body of the patricians, he was to be brought home by foreign troops, to the end that the magistracy, which was the guardian of the plebeians, might both now, and for ever after, be abolished: And another said, that all the patricians had not entered into these designs, but only the young men among them: Some had the confidence to

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affirm that *Caeso* was hid even in the city, and would, soon, possess himself of the most advantageous posts. The whole city being alarmed with the expectation of these calamities, and all men suspecting, and guarding against, one another, the consuls assembled the senate; and the tribunes, going in, acquainted them with the information they had received: *Aulus Virginius*, in the name of the rest, spoke as follows:

X. “ While none of the dangers we have been informed
“ of appeared certain, but were only vague reports, and
“ there was nothing to confirm them, we were unwilling,
“ senators, to acquaint you with these rumors, from a suspi-
“ cion of the great commotions they would give birth to,
“ such as, usually, flow from dreadful relations; and, also,
“ from an apprehension of appearing to you to have acted
“ with greater precipitancy, than prudence: However, we
“ did not neglect these reports; but have inquired, with
“ all possible care, into the truth of them. But, since the
“ divine providence, by which this commonwealth is, ever,
“ preserved, has, through its goodness, brought to light the
“ hidden designs, and wicked attempts of those who are
“ enemies to the gods; and that we have letters to produce,
“ which we, just now, received from foreigners, who shew
“ their good will to us, and whose names you shall, after-
“ wards, hear; and since our domestic intelligence concurs,
“ and agrees with That we have received from abroad;
“ and these affairs, now ripe for execution, can be no
“ longer delayed, or deferred; we have thought proper to
“ acquaint you with them, as it is reasonable, before we
“ publish

“ publish them to the people. Know then, that there is a
 “ conspiracy formed against the people by no obscure men,
 “ among whom, it is said, there is a small number even of
 “ the ancient members of this senate; but the greatest part
 “ are knights, not of this house, whose names it is not yet
 “ time to acquaint you with. They design, as we are in-
 “ formed, to take the advantage of a dark night, and fall
 “ upon us while we are asleep, when we can neither see
 “ any thing that is doing, nor get together in a body to
 “ defend ourselves; and, rushing into our houses, to cut the
 “ throats, not only, of us tribunes, but of all those plebeians
 “ also, who had ever opposed them in defence of their
 “ liberty, or should oppose them, for the future: And, after
 “ they have taken us off, they promise themselves they
 “ shall be able to effect the rest with great security, and
 “ prevail upon you to abolish, by a general vote, the con-
 “ tracts you have made with the people. But, finding they
 “ should stand in need of a body of foreign troops, privately
 “ raised, to carry on their designs, and That even not an
 “ inconsiderable one, they have pitched upon Caeso Quin-
 “ tius, one of our fugitives, as their general, whom, though
 “ convicted of the murder of his fellow citizens, and of
 “ raising a sedition, some of your number screened from
 “ punishment, and sent him away with impunity; and,
 “ now, promise to restore him to his country, and offer him
 “ magistracies, and honors, and other rewards to engage him
 “ in their service: And he, on his side, undertakes to bring
 “ to their assistance as many forces of the Aequi, and Volsci,

“ as they shall have occasion for ; and he himself will, soon,
“ appear at the head of the most daring, whom he will
“ introduce into the city privately, a few at a time, and in
“ small bodies : The rest of the forces, as soon as we, who
“ are the leaders of the people, are put to death, will fall
“ upon the poorer sort, if any of them shall assert their
“ liberty. These are the dreadful, and wicked resolutions,
“ senators, which they have taken in private, and design to
“ effect, without either fearing the anger of the gods, or
“ regarding the indignation of men.

XI. “ Exposed to so great a danger, fathers, we make
“ supplication to you ; conjuring you by the gods, and ge-
“ nius's to whom we sacrifice in common, and desiring you
“ to call to mind the many great wars we have maintained
“ in conjunction with you, not to suffer us to fall a sacrifice
“ to the cruel, and wicked attempts of our enemies ; but to
“ assist us ; to espouse our indignation, and, jointly with us,
“ to bring to condign punishment those, who have formed
“ these designs ; all, if possible ; but, if that cannot be, at
“ least the authors of this execrable conspiracy. And, first,
“ we desire, fathers, that you will pass an order, as it is
“ most just, appointing us tribunes to inquire into the facts
“ contained in this information : For, besides the justice of
“ this demand, it must also necessarily happen that those,
“ whose lives are exposed to danger, will make the most
“ exact inquiries into the cause of it. If there are any among
“ you, who are incapable of acting with candor even in
“ any one instance, but oppose every man who speaks in
“ favor

“ favor of the people, I would, willingly, ask them what
 “ there is in our demands, that displeases them, and what
 “ advice they design to give us. Would they advise us to
 “ make no inquiry at all, but to neglect so great, and so
 “ wicked a conspiracy, while it is carrying on against the
 “ people? Who would affirm that those, who advance these
 “ things, are in their senses, and not say rather that they
 “ are tainted with the same corruption, and accomplices in
 “ the conspiracy; and that, fearing lest they themselves
 “ may be discovered, they throw a damp upon the inquiry
 “ into the truth of it? To whom there is no reason you
 “ should pay any regard, if possibly they shall pretend that
 “ the cognizance of this information should be committed not
 “ to us, but to the senate, and consuls. What then should
 “ hinder the leaders of the people also from saying the same
 “ thing, if any of the plebeians, conspiring against the con-
 “ suls and the senate, should attempt the destruction of the
 “ latter, that those, to whom the protection of the people is
 “ committed, ought to take cognizance of the actions of the
 “ plebeians? What will be the consequence of this? Why,
 “ that no inquiry will, ever, be made into any secret trans-
 “ action. But this is a thing we should not desire (for such
 “ a pretension is suspicious) neither ought you to counte-

7. *Εἰ πως τῆς διαγνώσεως ταύτης.* The
 Vatican manuscript has *ἡ τῆς διαγνώσεως*,
 which can have no place here, any
 more than *εἰ μὴ* in the editions. It is
 plain that the tribune here anticipates
 an objection, which he foresaw would
 be made to his proposal; and endea-
 vours to take off the force of it by

rendering those, who, he knew, would
 make that objection, suspected of be-
 ing accomplices in the conspiracy. It
 is submitted to the learned reader,
 whether the small alteration I have
 made in the Greek text does not sup-
 port this reasoning.

“ nance

“ nance those, who insist upon the same thing against us ;
“ but to look upon them as the common enemies of the
“ state. However, fathers, nothing is so necessary in the
“ present juncture, as dispatch : For the danger is swift,
“ and a delay in providing for our security is unseasonable
“ in the midst of those dangers, that delay not their ap-
“ proach : So that, laying aside your contests, and long
“ speeches, take forthwith such a resolution, as may appear
“ the most conducive to the public good.”

XII. This harangue of the tribune greatly astonished, and embarrassed the senate. They considered, and, conferring together, observed that it was of dangerous consequence both to grant, and to refuse the tribunes the commission of inquiring by themselves into an affair of a public concern, and great importance. However, Caius Claudius, one of the consuls, suspecting their intention, rose up, and spoke as follows : “ I am not afraid, Virginus, lest the
“ senate should look upon me as an accomplice in the con-
“ spiracy, which, you say, is formed against yourselves, and
“ the people ; or that, fearing for myself, or for any be-
“ longing to me, as partakers of this guilt, I rise up to op-
“ pose you : For the whole course of my life acquits me of
“ all suspicions of this kind. What, therefore, I esteem to
“ be advantageous both to the senate, and people, I shall
“ lay before you with the best intentions, and without any
“ sort of fear. Virginus seems to me to be very much, or
“ rather absolutely, mistaken, if he imagines that any of us
“ will say either that an affair of so great consequence, and
necessity

“ necessity ought not to be inquired into, or that the ma-
 “ gistrates of the people ought not to be joined in, nor
 “ present at, this inquiry. No man is so void of sense, or
 “ affection to the people, as to advance such things. If,
 “ therefore, any one should ask me what motive engages me
 “ to rise up in order to oppose those measures, which I
 “ agree to, and allow to be just, and with what intention I
 “ speak, I shall explain myself to you in the most solemn
 “ manner. I am of opinion, fathers, that prudent men
 “ ought, diligently, to examine the beginnings, and first
 “ foundations of every affair : For, of what nature soever
 “ these may be, such must also be the conclusions, that are
 “ drawn from them. Hear, then, what the foundation of
 “ this affair is, and what the view of the tribunes in
 “ promoting it. They have not been able to carry any
 “ of the designs they undertook last year into execu-
 “ tion, by reason of your repeated opposition, and an
 “ unwillingness in the people to espouse their quarrel with
 “ their usual zeal. Sensible of these difficulties, they con-
 “ sidered by what means both you might be compelled to
 “ yield to them contrary to your inclinations, and the people
 “ to assist them in every thing they should desire : But,
 “ finding no lawful, nor just means to effect both these
 “ designs, after examining various projects, and turning the
 “ thing every way, they, at last, pitched upon this scheme :
 “ Let us, said they, accuse some considerable men of a con-
 “ spiracy to subvert the power of the people, and to put
 “ their protectors to death ; and, after we have caused these
 reports

“ reports to be spread about the city for a long time, and
“ the plebeians shall give credit to them (for they will give
“ credit to them through fear) let us contrive to have letters
“ delivered to us in the presence of many people, by an
“ unknown person ; after that, let us go to the senate, let
“ us be angry, and lament, and desire a commission to in-
“ quire into the circumstances of this information : If the
“ patricians refuse our demand, we will lay hold on this
“ opportunity to accuse them before the people ; and, by
“ this means, the whole body of the plebeians, being enraged
“ against the patricians, will be ready to support us in every
“ thing we desire : If they grant it, we will banish the most
“ resolute of them, and those who have most opposed us,
“ both old and young, as persons we have discovered to be
“ concerned in this conspiracy. These, through the fear
“ of a condemnation, will either agree to give us no further
“ opposition, or be obliged to leave the city ; by this
“ means, we shall, in a great measure, get rid of our ad-
“ versaries.

XIII. “ These were their designs, fathers ; and, during the
“ time you saw them sitting together, and consulting, this
“ deceit was weaving against the most virtuous of your
“ members, and this net was framing against the noblest
“ of the knights. To prove these things, very few words
“ will be necessary. Tell me, Virginus, and the rest of you,
“ against whom these dreadful mischiefs are levelled, who
“ are the strangers from whom you received these letters ?
“ Where do they live ? How came they acquainted with
“ you ?

“ you? Or, by what means, do they know what is in agi-
 “ tation here? Why do you defer naming these men, and
 “ promise to do it afterwards; rather, why have you not,
 “ already, named them? But, who is the man, who brought
 “ these letters to you? Why do you not produce this man,
 “ that we may begin by inquiring first of him, whether
 “ these things are true, or, as I suspect, your own fictions?
 “ Then, your domestic informations, which, you say, agree
 “ with Those contained in the foreign letters, of what na-
 “ ture are they, and by whom given? Why do you con-
 “ ceal these proofs, and not bring them to light? But I
 “ conceive it is an impossible thing to find a proof of what
 “ neither ever did, nor ever will, happen. These are dis-
 “ coveries, fathers, not of a conspiracy against them, but of
 “ a device, and a wicked design against us, which these
 “ men both employ, and conceal: For the things themselves
 “ speak aloud. But you are the cause of this, by the con-
 “ ceptions you, first, made to them, and by arming the
 “ extravagance of their magistracy with a great power,
 “ when you allowed Caeso Quintius to be tried, last year,
 “ upon a false accusation, and suffered so great a defender of
 “ the aristocracy to be forced away by them: For which
 “ reason, they keep, no longer, any measures with you; nor
 “ take off the men of birth one by one, but now ^s cover

^s. Περιεχλλοντες. I am very sorry to say that none of the translators have given the sense of this word, which is here taken figuratively, and might have been, very properly, rendered by the Latin translators, *irretientes*: For

it is plain that our author pursues the metaphor he before made use of, when he said, τὸ το δικλυσον ἐπ' ἑκέστο: This is further confirmed by the addition of ἐλαττει το περιεχλλοντες.

“ the whole body of worthy men with their net, and drag them
 “ out of the city. And, to fill up the measure of your calamities,
 “ ties, they will not suffer even any one of you to contradict
 “ them; but, by exposing him to suspicions, and accusations,
 “ as an accomplice in secret designs, they try to terrify him,
 “ call him presently an enemy to the people, and cite him
 “ to appear before them to give an account of what he said
 “ in this place. But this subject shall be spoken to at a more
 “ seasonable juncture. I shall, therefore, now contract what
 “ I have to say, and cease to extend myself. I advise you
 “ to guard against these men, as disturbers of the common-
 “ wealth, and laying the foundations of great evils: And
 “ what I say to you, I shall not conceal from the people,
 “ but shall speak there, also, with a just freedom, and acquaint
 “ them that no mischief hangs over their heads, unless
 “ it is from their wicked, and deceitful patrons, who,
 “ under the appearance of friendship, are committing actions
 “ full of enmity.” This discourse of the consul was received
 by all present with great acclamations, and applause: And,
 without allowing the tribunes even to reply, they dismissed
 the assembly. After which, Virginus, calling the people
 together, inveighed both against the senate, and the
 consuls: And Claudius defended them; repeating the same
 things he had said in the senate. The more moderate
 among the people looked upon the fear to be vain; while
 the weaker sort, giving credit to reports, thought it well
 grounded: But the wicked, who always want a change,
 without troubling themselves to examine into the truth, or
 falsehood

fallhood of them, fought for an occasion of sedition, and tumult.

XIV. While the city was in this disorder, a certain Sabine of no obscure birth, and powerful by his riches, called, Appius Herdonius, attempted to subvert the empire of the Romans, with a view either to make himself tyrant, or to transfer the sovereignty and power to the Sabine nation, or else to gain a great name. Having imparted his design to a great number of his friends, and communicated to them his plan for executing it, and they also approving thereof, he assembled his clients, and the most daring of his servants; and, in a short time, got together a body of about four thousand men; then, supplying them with arms, provisions, and every thing else that was necessary for a war, he embarked them in boats; and, sailing down the river Tiber, landed at that part of Rome, where the capitol stands, which is scarce a stadium from the river. It was then midnight, and quiet reigned in all parts of the city; assisted by which, he disembarked his men in all haste; and, passing through the gates that were open (for there is a certain sacred gate of the capitol, called *Carmentalis*, which, by the direction of some oracle, is always open) he ascended the hill with his forces, and possessed himself of the fortrefs: From thence, he pushed on to the citadel, which is contiguous to the capitol, and took that also. His intention was, after he had seized these very advantageous posts, to receive the exiles; to invite the slaves to liberty; to promise the poor an abolition of debts, and to share the spoils with those citizens,

who, being themselves in a low condition, envied, and hated eminence of every kind, and were eager for a change. The hope, that both animated, and deceived him, by suggesting to him that he should be disappointed in none of his expectations, was founded on the civil dissension; by reason of which, he imagined that neither friendship, nor correspondence could, any longer, intervene between the people, and the patricians. But, if none of those things should succeed, he then resolved to call in the Sabines with all their forces, and also the Volsci, and all the rest of the neighbouring people, who desired to be delivered from the invidious domination of the Romans.

XV. However, it happened that all his hopes were disappointed: Neither the slaves came over to him, nor the exiles returned; neither did the lower sort of people, nor those in debt prefer their private advantage to the public good; and the foreign nations, from whom he expected succours, had not time to prepare themselves for the war; since, within three or four days, this affair, which had created a great terror, and tumult among the Romans, was terminated: For, as soon as the fortresses were taken by Herdonius, there being immediately an outcry, and flight of all the inhabitants living near those places, who were not presently put to the sword, the rest of the citizens, not knowing what misfortune had happened, took their arms, and got together; some running to the eminences of the city, others to the open places within it, which are very numerous, and others to the neighbouring fields; those, who were disabled
by

by age, and weakness, got upon the tops of the houses together with the women, designing to defend themselves from thence against the enemy, who had entered the city: For they imagined these had spread themselves through every part of it. But, when it was day, and it came to be known that the fortresses of the city were taken, and who the person was, who had the possession of them, the consuls, going into the forum, called the citizens to arms: On the other side, the tribunes, assembling the people at the same time, said, they did not oppose any thing, that was for the advantage of the commonwealth; but thought it just that, as the people were going upon so great an action, they ought to engage in the danger of it upon certain terms, and conditions: “ If, therefore, said they, the patricians will promise you, “ and call the gods to witness to that promise, that, as soon “ as this war shall be at an end, they will allow you to create “ legislators, and to enjoy an ⁹ equal administration of justice “ for the future, we will assist them in delivering our “ country: But, if they will condescend to nothing that is “ reasonable, why should we run hazards, and expose our “ lives for them, when we are to reap no advantage from “ the event?” While they were saying this, and the people expressing their approbation of what they said, and would not even hear any one, who dissuaded it, “ Claudius said, “ that he wanted no such auxiliaries, who would not

⁹ Εὐσηγορία. See the second annotation on this book. By this time, the translators discovered that *εὐσηγορία*, one of the points contended for by the

people, could not be translated, *freedom of speech*, and have, at last, abandoned that sense of the word.

“ voluntarily, but for a recompence, and That not a moderate one, succour their country ; and that the patricians, by arming themselves, and their clients, and such of the people, as were willing to assist them in this war, would compose a force sufficient to besiege the fortresses ; that, if even these were thought unequal to the task, he would call in the Latines, and the Hernici ; and, if it should be necessary, he would even promise liberty to the slaves, and implore the assistance of all sorts of people rather than of those, who, at such a juncture, shewed their resentment for past disappointments.” But Valerius, the other consul, opposed this ; being of opinion that they ought not to render the plebeians, who were already exasperated, absolutely implacable against the patricians ; and he advised to yield to the present emergency ; and, when they treated with a foreign enemy, to oppose justice to their demands ; but to Those of their fellow citizens, moderation, and humanity. The majority of the senate judging that his advice was the most advantageous, he went to the assembly of the people ; and, having made a becoming speech to them, he ended with promising on oath that, if the people would assist in this war with alacrity, and the commonwealth should be restored to its former tranquillity, he would give the tribunes leave to propose to the people the consideration of the law, which they were desirous of introducing concerning the equality of laws ; and use his utmost endeavours that the resolutions of the people might be carried into execution during his consulship. But it was decreed

decreed that he should perform nothing he had promised, his death being near at hand.

XVI. After the assembly was dismissed, they all flocked to the appointed places that afternoon, giving in their names to the generals, and taking the military oath. The rest of that day, and all the following night were employed in these things. The day after, the centurions were placed by the consuls in their posts, and had the command of the holy ensigns; the people of the country, also, coming in to them in great numbers: Every thing being soon ready, the consuls divided the forces, and drew lots for the command. It fell to the share of Claudius to post himself without the walls, as a guard to prevent any foreign forces from coming to the relief of the enemy in the city: For there was a general suspicion of a great commotion, and a dread that all their enemies would fall upon them, at once, with joint forces: And to Valerius Heaven decreed the attack of the fortresses. Commanders were appointed to defend the other strong places also, that lay within the city; and others were posted in the streets leading to the capitol, to prevent the slaves, and the poor, whom they were most afraid of, from going over to the enemy. In this juncture, the Romans received no succours from any of their allies, but the Tusculani, who, the same night they heard of this invasion, prepared themselves to march under the conduct of Lucius Mamilius, a man of activity, who, at that time, had the chief command in the city: And these alone shared in the danger with Valerius, and assisted him in recovering the fortresses, in
which

which they shewed the greatest zeal, and alacrity. These fortresses were attacked on all sides: For some, fitting vessels of bitumen, and burning pitch to their slings, threw them, from the neighbouring houses, upon the hill: And others, bringing fascines of brush wood, raised high piles of them against the steep part of the rock, and set them on fire, leaving it to a favourable wind to carry the flames among the enemy. But the bravest of the Romans, doubling their files, went up the roads made by art; and here, neither their numbers, in which they, greatly, exceeded the enemy, were of any service to them, by reason of the straitness of the road by which they ascended, and the great quantity of broken pieces of the rock, that were thrown down upon them from above, where a small body of men might be upon an equality with a much greater; neither was their constancy in dangers, which they had acquired by many wars, of any advantage to them, while they were forcing their way up a steep rock: For they had no opportunity of shewing their resolution, and perseverance in fighting hand to hand; but were obliged to engage with missile weapons; and the effect of these, when thrown from below to a high place, is slow, and, as may be supposed, weak, even when they hit the mark; but, when thrown from above, their effect is quick and strong, the weight of the weapons cooperating with the force they are thrown with. However, the men, who attacked the fortresses, were not discouraged; but supported themselves under these necessary dangers, and ceased not to labour day, and night. At last, the besieged having spent all

all their missive weapons, and their strength failing them, the Romans took the fortresses the third day. In this action, they lost many brave men, and among them the consul, who was, universally, acknowledged to have been the bravest of them all; and who, though he had received many wounds, did not, even in that condition, withdraw himself from danger, till a large stone, falling upon him with violence as he was mounting the walls, deprived him both of the victory, and of his life. The fortresses being taken, Herdonius (for he was remarkable for his strength, and personal bravery) having made an incredible heap of dead bodies round him, died overwhelmed with darts. Of those, who with him had seized the fortresses, some few were taken alive; but the greatest part either slew themselves, or leaped down the precipices.

XVII. The war, raised by these robbers, being thus ended, the tribunes renewed the civil dissension, desiring to receive from the surviving consul the performance of the promises made by Valerius, who lost his life in the action, concerning the promulgation of the law: But Claudius, for a while, prolonged the time; sometimes, by performing the lustration of the city; at others, by offering sacrifices of thanksgiving to the gods; and, at others, by entertaining the people with games, and shews. After all his pretences were exhausted, at last he told them that another consul must be chosen in the room of the deceased: For he said, that the acts performed by him alone would be neither legal nor firm; whereas Those performed by both, would be

valid and lasting. After he had put them off with this pretence, he appointed a day for the election of his colleague. In the mean time, the leading men of the senate, consulting privately together, agreed upon the person to be raised to that dignity : And, when the day appointed for the election was come, and the cryer had called the first class, the eighteen centuries of horse, together with the eighty centuries of foot, consisting of the richest citizens, entering the appointed place, chose Lucius Quintus Cincinnatus consul, whose son Caeso Quintus the tribunes had brought to a trial for his life, and compelled him to leave the city : And, no other class being called to vote (for the centuries, which had voted, exceeded the number of those, that were left, ¹⁰ by three centuries) the people departed, looking upon it as a heavy misfortune that a man who hated them, was going to be invested with the consular power. However, the senate sent proper persons to desire the consul to come to Rome, and take possession of the magistracy. It happened that Quintus was, at that very time, ploughing ¹¹ a piece of land

¹⁰. Τρεῖς γὰρ ἦσαν λόχοις πλεον, &c. See the 33^d annotat. on the 4th book.

¹¹. Ἀερεῶν τινα. ⁱ Livy takes an opportunity of describing the rustic employment, and the little farm of Cincinnatus, when he was made dictator two years after. He there also says, these four acres, of which that farm consisted, were afterwards called *Prata Quintia*; and that they lay on the other side of the Tiber, opposite to a place, where, in his time, were the *navalia*.

^k Cluver shews that these *Prata Quintia* were in the *campo Vaticano*, called now, *I Prati*, opposite to the *navalia*, which place, he says, is now called, *La Ripetta*. It is concluded from this extreme poverty of Cincinnatus, that it was the general practice in the early ages of the commonwealth to take the dictators, and consuls from the plough; and that their magistrates were no richer than Cincinnatus. But this I look upon as a mistake; because the

ⁱ B. iii. c. 26.

^k Ital. Antiq. B. iii. p. 866.

for sowing, himself following the oxen that were breaking up the fallow, without a vest, his waist girded, and a cap upon his head : Seeing a great number of men come into the field, he stopped his plough, and could not, for a long time, conceive who they were, and what they wanted with him : When, one of them coming to him, and desiring him to dress himself in a more becoming manner, he went into his cottage ; and, putting on his clothes, came out to them : Upon which, the persons, who were sent to conduct him to Rome, all saluted him, not by his name, but as consul ; and, clothing him with the robe bordered with purple, and placing before him the axes, and the other ensigns of his magistracy, desired him to follow them to the city. He,

mean education they must have received under so much poverty, could never have qualified them to discharge their magistracies with so great ability, as we know they did discharge them. Even Cincinnatus himself had been possessed of other estates, which our author says he was obliged to sell in order to pay the several forfeitures, that accrued to the public upon the flight of his son. When I say this, I do not deny that the richest of these old Romans were far below what we call rich, any more than I would deny that the most virtuous of them were far above what we call virtuous. Our author deserves great commendations for the freedom, with which he censures the degeneracy of the Romans in his time, saying they acted, in all respects, contrary to the maxims of their ancestors. Notwithstanding this

severe, but true reflexion, it is become a fashion among the French writers to assert that the view of Dionysius in writing his history was to flatter Augustus, and the Romans of his age : Nay one of them has had even the pertness to affirm, in so many words, that his design was not so much to write a true history, as to flatter the Romans, and to shew with what address he himself could handle the most difficult subjects : *‘ Denys d’Halicanasse avoit bien moins pour but de donner une histoire véritable, que de flatter les Romains, et de montrer avec quelle adresse il sçavoit lui même manier les sujets les plus difficiles. ’* This is not the only passage in our author, that flatly contradicts his assertion. If he had never read these passages, his censure is ridiculous ; and, if he had read them, it is something worse.

¹Beaufort, sur l’incert. etc. Part. i. c. 2.

making a short pause, and shedding tears, said only this; “I see my land will be unfown this year, and we shall be “in danger of not having wherewithall to subsist.” After that, he embraced his wife, and, charging her to take care of his family concerns, went to Rome. The only reason, that induced me to relate all these particulars, was to let all the world see what kind of men the Roman magistrates were at that time; that they worked with their own hands, and were temperate; that they were not uneasy under innocent poverty; and were so far from aiming at regal power, that they refused it even when offered: For the Romans of this age will appear not to bear the least resemblance to them; but to pursue every thing that is contrary to their maxims, except a very few, by whom the dignity of the commonwealth is still supported, and a resemblance to those men preserved. But of this enough.

XVIII. Quintius, having entered upon the consulship, first put an end to the new institutions of the tribunes, and to their earnestness for the law, by declaring that, if they did not cease to disturb the peace of the commonwealth, he would give notice of an expedition against the Volsci, and lead all the Romans out of the city: And, when the tribunes said they would hinder him from raising an army, he assembled the people, and told them that they had all taken the military oath, by which they had engaged themselves to follow the consuls in any wars, to which they should be called; and neither to leave their ensigns, nor do any thing else contrary to the military law; and that, upon his being
invested

invested with the consular power, he had found them all bound by these oaths. Having said this, and sworn to punish the disobedient with all the rigor of the law, he ordered the ensigns to be brought out of the temples: “ And, says he, “ that you may give over all thoughts of being flattered by “ your demagogues during my consulship, I will not with- “ draw the army from the enemy’s country, before the “ whole time of it shall be expired. Expect, therefore, to “ pass the winter in the field, and prepare every thing ne- “ cessary against that time.” Having terrified them with these threats, when he saw they were become more observant, and begged to be discharged from this expedition, he said, he would grant them a respite from war upon these conditions, that they should raise no more commotions; but allow him to govern, during the remaining part of his magistracy, as he should think fit; and suffer the law to take its course in all the contests they should have with one another.

XIX. The tumult being appeased, he gave judgement in all causes, where the suitors desired it; a thing which had long been delayed; and he himself decided the greatest part of the suits with equality and justice, sitting the whole day in the tribunal, and shewing himself easy of access, mild and humane to all, who applied to him for his determinations: By which means, he raised the reputation of the aristocracy to that degree, that neither those, who, through poverty, ignoble birth, or any other low circumstance, were oppressed by their superiors, wanted the assistance of the
tribunes;

tribunes; nor those, who desired to enjoy an equal administration of justice, were, any longer, fond of new laws; but all were contented, and pleased with the equity, with which justice was then administered. Quintius was applauded by the people for these actions; and, also, for refusing the consulship, when, after the expiration of his magistracy, it was offered to him a second time; and for not shewing even the least fondness for so great an honor: For the senate used many intreaties with him to continue in the consulship, because the tribunes had prevailed with the people to continue them in their magistracy for the third year; the former looking upon him as a proper person to oppose these, and make them drop their new laws, either through respect, or fear; and observing that the people were not averse to be governed by a good man: But Quintius answered, that he neither approved of this unwillingness in the tribunes to part with their power; neither would he himself fall under the like censure. After which, he assembled the people; and, having made a speech full of invectives against those, who did not resign their magistracies; and taken a solemn oath not to accept the consulship again, before he had resigned his former magistracy, he fixed a day for the election of magistrates; and having appointed the consuls, he returned to his cottage, and resumed his laborious life.

XX. Quintus Fabius Vibulanus for the third time, and Lucius Cornelius having entered upon the consulship, and being employed in exhibiting the customary games, a chosen
body

body of the Aequi, amounting to about fix thousand men, armed for expedition, came out of their confines in the night, while it was yet dark, and advanced to Tusculum, a city of the Latines, and distant from Rome not less than one hundred stadia; and finding, as in a time of peace, the gates open, and the walls unguarded, they took the town at the first onset, to gratify their resentment against the Tusculani for assisting the Romans, upon all occasions, with alacrity; and particularly, because they alone had joined them with their forces, when the capitol was besieged. The Aequi put many to death in taking the city; but the inhabitants, except those, who through age, or sickness, were unable to escape, fled out at the gates, before the enemy could make themselves masters of it: However, they made slaves of their wives, children, and domestics; and carried off their effects. As soon as the news of this misfortune was brought to Rome by those who had escaped out of the city, the consuls thought it incumbent on them to assist the fugitives immediately, and to restore their city to them: But the tribunes opposed them, and would not suffer any forces to be raised, till the people had given their votes concerning the new laws. While the senate were expressing their indignation at this opposition, and the levies were suspended, other deputies arrived from the Latin nation, who informed them that the city of the Antiates had openly revolted, the Volsci, who were the ancient inhabitants of it, and the Roman colony, to whom a share of their lands had been granted, being united in this conspiracy: There arrived,
also,

also, at the same time, messengers from the Hernici, acquainting them that a numerous army of the Volsci, and the Aequi had marched out of their confines, and were, already, in the country of the Hernici. These advices coming all together, the senate resolved to use no further delay, but to march against these enemies with all their forces, and that both the consuls should take the field; and, if any of the Romans, or their allies, should decline the service, to treat them like enemies. As the tribunes, also, submitted to this resolution, the consuls, having enlisted all who were of the military age, and sent for the forces of their allies, presently marched out; leaving a third part of the national forces to guard the city. Fabius marched, in all haste, against the Aequi, who were in possession of Tusculum; the greatest part of whom had quitted the city, after they had plundered it, and a few staid to defend the citadel, which, being exceeding strong, did not stand in need of a numerous garrison. It is said by some that the men, who were left to guard the citadel, seeing the army ¹² marching from Rome (for all the

¹² Εξίσταν. The Latin translators have rendered this *Româ egredientem*; and le Jay, *l'ennemi vit sortir les Romains*; the other French translator has prudently avoided this absurdity. I call it an absurdity to suppose that the garrison of the citadel at Tusculum could see with their naked eyes (and it is certain they had no telescopes) the Roman army marching out of Rome. Our author has, just now, told us that Tusculum was not less than an hundred stadia from Rome:

One hundred stadia make twelve Roman miles, and a half. This, I say, is too great a distance for such an observation. The thing, that misled the Latin translators (for le Jay, I dare say, was not misled by any thing in the Greek text) seems to be the tense, and consequently the force, of the participle Εξίσταν, which they ought to have rendered not *egredientem*, but *egressum* (*exercitum*.) It is plain they have taken it in the present tense; but I look upon it to be the second aorist;

inter-

interjacent country may be easily discovered from this eminence) they quitted it of their own accord : And, by others, that, being unable to defend themselves, any longer, against Fabius, they surrendered the place by composition, having stipulated that their lives should be spared, and submitted to pass under the yoke.

XXI. After Fabius had restored the city to the Tusculani, he decamped that evening, and marched, with all possible speed, against the enemy, upon information that the combined army of the Volsci, and Aequi lay near ¹³ Algidum : And, having continued his march all night with great expedition, he appeared before them early the next morning, as they lay incamped in a plain, without either a ditch, or palisades to defend them, they being in their own territories, and despising the enemy : Then, exhorting his men to do their duty, he put himself at the head of the horse, and was the first man who broke into the enemy's camp ; and the foot, shouting, followed. Some of the enemy were slain, while they were asleep, and others just as they got up, and were endeavouring to defend themselves ; but the greatest part escaped by flight. The camp being taken with great ease, Fabius gave his men leave to appropriate to themselves the booty, and the prisoners,

and, like all participles of the second aorist, derived from the second aorist of the indicative mood ; which second aorist of this verb is ἐξῆον. The reader will excuse this piece of grammatical criticism, which he has not been often troubled with : I own it is a criticism

of the lowest rank, but sometimes necessary ; and one of those things, that may be too much despised.

¹³ Περὶ πόλιν Ἀλγιδόν. ¹⁴ Cluver says that a public inn, now called *L'Osteria*, stands upon the spot, where the town of Algidum formerly stood.

¹³ Ital. Antiq. B. ii. p. 778.

except such as were Tusculani; and, after a short stay, marched to ¹⁴ Ecetra, which was, at that time, the most considerable city of the Volsci, and the most strongly situated: And, having incamped near the city for many days, in hopes the enemy would come out to fight, when none appeared, he laid waste their territories, which were full of men, and cattle: For the Volsci, surpris'd with the suddenness of the irruption, had not time to remove their effects out of the country. This booty, also, Fabius gave to his soldiers; and, after many days spent in desolating the country, he returned home with his army. Cornelius, the other consul, was upon his march against those Romans, and Volsci, who were at Antium, when he found an army, that was ready to receive him before he entered their confines: And, engaging, he killed many; and, having put the rest to flight, he incamped near the city: But the inhabitants not daring to venture another engagement, he first laid waste the country, and then surrounded their city with a ditch fortified with palisades. Upon this, the enemy were compelled to come out, again, with all their forces, a numerous and disorderly multitude; then, engaging in battle, and fighting with less bravery than before, they were shut up within their walls a second time, after a shameful and unmanly flight. But the consul, giving them no rest, planted scaling ladders against the walls, and forced open the gates with battering rams: The besieged making a laborious and painful resistance, he without much difficulty took the town by storm.

¹⁴ *Ἐπὶ τὴν Ἐχέτραν πολλὰν.* See the fifty sixth annotation on the fourth book.

Such

Such of their effects as consisted in gold, silver, and brass, he ordered to be carried to the treasury; and that the quaestors should sell the slaves, and the rest of the spoils; giving to the soldiers the apparel, and provisions, and every thing else of that nature: Then, chusing out the most considerable men both of the Roman colony, and of the ancient inhabitants of Antium, and those, who had been the authors of the revolt, and were many, he ordered them to be whipped with rods for a long time, and then beheaded. After he had done these things, he also returned home with his army. The senate met these consuls, as they were coming to the city, and decreed a triumph to both: And the Aequi sending ambassadors to treat of a peace, they concluded a treaty with them upon these conditions; that the Aequi should continue in possession of the cities, and territories they were possessed of at the time of the treaty, and become subjects of the Romans, without paying any tribute; but under the obligation of furnishing as great a number of forces, as they should at any time be required, like the rest of the allies. And thus ended this year.

XXII. The year following, Caius Nautius for the second time, and Lucius Minucius entered upon the consulship, and were, for some time, employed in a contest at home, concerning the civil rights with Virginus, and his colleagues, who were now in possession of the same magistracy for the fourth year: But, a war being brought upon the commonwealth by the neighbouring nations, and the Romans fearing to be deprived of the sovereignty, the consuls willingly

laid hold on the opportunity presented to them by Fortune; and, having raised an army, they divided both their own forces, and Those of their allies, into three bodies; leaving one of them to guard the city, which was commanded by Quintus Fabius Vibulanus; and, putting themselves at the head of the other two, they marched out immediately; Nautius going against the Sabines, and Minucius against the Aequi: For both these nations had revolted from the Romans at the same time: The Sabines indeed openly, and advanced as far as Fidenae, which was in the possession of the Romans, and is distant from Rome forty stadia: But the Aequi, though observing in appearance the terms of the alliance they had lately entered into with the Romans, yet acted in reality like enemies: For they made war upon the Latines their allies, pretending they had entered into no alliance with them: Their army was commanded by Gracchus Cloelius, an active man, who had been invested by them with the chief magistracy, which he raised to little less than a sovereignty; and, marching as far as the city of Tusculum, which the Aequi had taken, and plundered the year before, and been driven out of it by the Romans, he seized a great number of men, and all the cattle he found in the country, and destroyed the corn, which was then fit to cut. And, when the ambassadors, sent by the Roman senate, came to him to know what provocation had induced the Aequi to make war upon the allies of the Romans, after they had, so lately, entered into a treaty of peace confirmed by their oaths; and that no cause of complaint had since arisen between the two nations; and,

and, also, to exhort him to release the prisoners he had taken, and to withdraw his forces; and to justify himself for the injuries, and damages he had occasioned to the Tusculani; it was a long time before Gracchus would even give audience to the ambassadors, pretending he was not at leisure; and, when he thought fit to have them introduced, and they laid before him the orders they had received from the senate:

“ I wonder, Romans, says he, why you, who, from your
 “ passion for domination, and tyranny, look upon all men
 “ as your enemies, even those, from whom you never re-
 “ ceived any injury, should not suffer the Acqui to take
 “ revenge on the Tusculani, who are their enemies, when
 “ no article of the treaty we made with you extends to them.
 “ If, therefore, you can say that you have been injured, or
 “ hurt by us in any thing, that relates to your own concerns,
 “ we will do you justice according to the treaty: But, if
 “ you are come to demand satisfaction on the behalf of the
 “ Tusculani, address not this discourse to me, but to that
 “ beech tree;” pointing to one that stood near.

XXIII. The Romans, thus insulted by the man, did not immediately give way to their resentment, and march out with their forces; but sent even a second embassy to him, and also the holy men, or *feciales*, calling the gods, and genius's to witness that, if they were unable to obtain justice, they should be obliged to wage a pious war: After which, they ordered the consul to take the field. When Gracchus heard the Romans were advancing, he decamped, and retired to a greater distance, the enemy following him close:

His

His design was to draw them to such places, as should give him a superiority over them; which happened accordingly: For, taking advantage of a valley surrounded with hills, as soon as the Romans, in pursuing him, had engaged themselves in it, he faced about, and incamped in the road, that led out of the valley: By this means, the Romans were reduced to pitch upon such a place for their camp, as the present occasion offered, not such a one as they would have chosen; where it was not easy either for the horse to get forage, the place being surrounded with hills, both naked, and of difficult access; or for themselves to bring in provisions out of the enemies country, after Those they had brought from home were consumed; or to change their ground, while the enemy lay before them, and defended the passes: Resolving, therefore, to force their way out, they engaged, and were repulsed; and many of their men being wounded, they were compelled to return to the same camp. Cloelius, elated with this success, surrounded the place with a ditch fortified with palisades, and had great hopes of reducing them, by famine, to deliver up their arms. The news of this misfortune being brought to Rome, Quintus Fabius, who had been left governor of the city, chose out of his own army a body of the bravest and best men, and sent them to the relief of the consul: These were commanded by Titus Quintius, the quaestor, a person of consular dignity. And, writing to Nautius, the other consul, who commanded the army in the country of the Sabines, he informed him of what had happened to Minucius, and desired him to come presently

presently to Rome. Upon this, Nautius committed the guard of the camp to the legates, and he himself, with a few horse, rode in all haste to the city: Arriving there at midnight, he consulted with Fabius, and the rest of the most ancient citizens what measures they were to take: And all being of opinion that the present juncture required a dictator, he named Lucius Cincinnatus to that magistracy; and, having dispatched these things, he himself returned to the camp.

XXIV. Fabius, the governor of the city, sent proper persons to Quintius to invest him with the magistracy. It happened that Quintius was, then also, employed in some work of husbandry; when, seeing a great number of people advancing, he suspected they were coming to him; and, putting on a more becoming apparel, went to meet them. When he came near them, they brought to him horses decked with magnificent trappings; placed before him four and twenty axes with the rods, and presented to him the purple robe, and the other ensigns, with which the royal dignity had been formerly adorned. Quintius, finding that he was appointed dictator, was so far from rejoicing in this honor, that he was even grieved at it, saying, "This year's crop will, also, be lost through the multiplicity of my business, and we shall all endure great want." After that, he went to Rome; and first encouraged the citizens by speaking to them in a manner capable of raising their spirits with hopes of success; then, assembling all the youth both of the city, and the country, and sending for the forces

forces of their allies, he appointed Lucius ¹⁵ Tarquitiuſ master of the horſe, a man neglected by reaſon of his poverty, but brave in the field: All his forces being now drawn together, he ſet out; and, in his march, joined Titus Quintiuſ the quaeftor, who expected him; and, taking with him his forces alſo, he advanced towards the enemy. After he had viewed the nature of the places, in which the camps lay, he poſted a part of his army upon the eminences, to prevent the Aequi from receiving either ſuccours, or proviſions; and he himſelf marched forward with the reſt in order of battle. Cloeliuſ unmoved with fear (for the number of his forces was not ſmall, and he himſelf was looked upon as a brave warriour) received his onſet; and a ſevere battle iſſued; which laſting long, and the Romans, by reaſon of their continual wars, enduring the toil, and the horſe, always, relieving the foot, wherever they ſuffered, Gracchuſ was beaten, and ſhut up in his camp: After that, Quintiuſ, having ſurrounded it with high palifades, fortified with many towers, and heard that Gracchuſ was in diſtreſs for want of proviſions, he, not only, made continual attacks upon the camp of the Aequi himſelf, but ordered Minuciuſ to march out with his forces on the other ſide: So that, the Aequi, wanting proviſions, deſpairing of ſuccours, and beſieged on many ſides, were compelled to ſend deputies to

¹⁵ Ταρκύσιον. All the editions, and manuſcripts read Ταρκυνίου: But this is certainly a miſtake; becauſe ^a Livy calls him *L. Tarquitiuſ patriciæ gentiſ*; which is confirmed (as Sigoniuſ

ſays upon this paſſage of Livy) by the Capitoline tables. Neither would Livy have thought it neceſſary to have ſaid that he was of a patrician family, if his name had been Tarquiniuſ.

^a B. iii. c. 27.

Quintius with the marks of ¹⁶ suppliant to treat of a peace : Quintius said, that he would make peace with the Aequi, and grant them an impunity for their persons, provided they laid down their arms, and all passed ¹⁷ under the yoke one after another ; but, as to Gracchus their general, and those, who, together with him, had been the authors of this revolt, he would treat them as enemies ; and ordered them to bring these men to him in chains. The Aequi submitting to this, the last thing he insisted upon was, that, as they had enslaved the inhabitants of Tusculum, a city in alliance with the Romans, and plundered it, without having received any injury from the Tusculani, they should yield up to him the city of ¹⁸ Corbio to be treated in the same manner. The deputies of the Aequi, having received these answers, departed ; and, not long after, returned bringing with them Gracchus, and his associates in chains ; and they themselves, laying down their arms, came out of their own camp, and, pursuant to the orders of the general, marched through That of the Romans under the yoke ; and delivered up Corbio according to the treaty, desiring only that the inhabitants of free condition might have leave to retire out of the city, in exchange for whom they released the Tusculan captives.

XXV. Quintius, having taken possession of Corbio, ordered those spoils, that were most ornamental, to be carried to Rome, and permitted all the rest to be distributed by centuries, both to the troops he brought with him, and to

¹⁶ Ἰκετήσιαι. See the seventeenth annotation on the sixth book.

notation on the third book.

¹⁸ Πολὴν Κορβίωνα. See the second annotation on the sixth book.

¹⁷ Ὑποζυγον. See the twentieth an-

Those, which had been sent before with Quintius the quaestor. As for the forces, which had been shut up in their camp with Minucius the consul, he said that he had, already, ¹⁹ bestowed a great present upon them in delivering their persons from death: After that, he obliged Minucius to resign his magistracy; and, returning to Rome, ²⁰ triumphed with greater splendor than any other general; having within the space of sixteen days in the whole, from That on which he received the magistracy, saved a camp of his fellow-citizens; defeated a flourishing army of the enemy; plundered one of their cities, and left a garrison in it; and then led in triumph the general of their army with other men of distinction in chains. But no part of his conduct deserved so much to be admired as this, that, after he had received so great a power for six months, he did not retain it so long; but, having assembled the people, and given them an account of his administration, he abdicated: And, when the senate desired him to accept as much of the conquered land, as he pleased, together with slaves, and money out of the spoils, and that he would relieve his poverty with innocent

¹⁹ Μεγαλὴν εἶπεν δέδωκεναι δόρεαν. Nothing sure can be more beautiful than the words, which °Livy makes the dictator say to the army of Minucius: *Carebis, inquit, praedae parte, miles, ex eo hoste, cui propè praedae fuisti.*

²⁰ Καὶ ἡγάγεε λαμπροῦς ἀπάντων ἡγεμονῶν θρίαμβον. The Capitoline tables place this triumph of Quintius on the ides of September. This M. * * * took notice of before me: But

he does not seem to have suspected that the ides of September in the Pompilian year, then in use among the Romans, which consisted only of 354 days, could not coincide exactly with the ides of September in the Julian year, which consists of 365 days, and $\frac{1}{4}$ —11 minutes. Concerning which, see the thirty fourth annotation on the eighth book.

riches, which he had gained from the enemy by the most honourable means, his own toils, he refused it: And his friends, and relations offering him, at the same time, considerable presents, and placing their greatest happiness in assisting such a man, he thanked them for their affection, but accepted none of their presents; returned to his little farm, and preferred the laborious life he led there to That of a sovereign; glorying more in his poverty, than others in their riches. Not long after, Nautius also, the other consul, returned to Rome with his army, after he had overcome the Sabines in a pitched battle, and overrun a great part of their country.

XXVI. After these consuls, the eighty first Olympiad was celebrated, at which Polymnaestus of Cyrene won the prize of the stadium, Callias being archon at Athens, and Caius Horatius, and Quintus Minucius consuls at Rome. During their consulship, the Sabines made another irruption into the territories of the Romans, and laid waste a great part of them; and the country people, flying from thence in great numbers, brought an account that all the country between ²¹ Crustumerium, and Fidenae, was in possession of the enemy. The Aequi also, who had been lately conquered were again in arms; and the most resolute of them, marching to the city of Corbio in the night, which they had delivered up to the Romans the year before, and, finding the garrison there asleep, put them to the sword, except a

²¹ Κρυσημερίας και Φιδηνης. See the book: And the fifty third chapter of the second book.

few, who happened to be absent: The rest of the Aequi marched in a considerable body to ²² Ortona, a city of the Latin nation, and took it by storm; and those mischiefs they were unable to inflict upon the Romans, they, through resentment, inflicted on their allies: For they put to death all who were men grown, except those who made their escape while the city was taking, and enslaved their wives, and children with the old men; then, gathering together, in haste, all the effects they could carry off, they returned before the Latines could assemble all their forces to relieve the city. The news of these transactions being brought to Rome at the same time, both by the Latines, and those of the garrison who had escaped, the senate resolved to send out an army, and that both the consuls should take the field: But Virginius, and his colleagues, who were continued in the same power for the fifth year, opposed this, as they had also done in the former years, and hindered the consuls from making levies; desiring that the civil contest might first be appeased, by allowing the people to take into consideration the law they were bringing in to establish an equal administration of justice. And, upon this occasion, they laid themselves out in long, and invidious accusations against the senate, and were countenanced by the people. But a great deal of time being spent, while neither the consuls would submit to let the senate pass the previous vote, and the law to be laid before the people; nor the tribunes allow the levies to be made, and the army to take the field: And many speeches being made by both, and invectives thrown out against one another without

²² Ορίωνα. See the sixtieth annotation on the eighth book.

effect, both in the assemblies of the people, and in the senate, another institution was introduced by the tribunes against the senate, which, by imposing upon them, did indeed appease the present commotion, but proved the source of many other great advantages to the people. I shall, now, give an account of the manner, in which the people added this power to Those they had, before, acquired.

XXVII. While the territories both of the Romans, and of their allies were laid waste and plundered, and the enemy marching through them, as through a desert, from a confidence that no army would come out against them, by reason of the sedition then raging in the city, the consuls assembled the senate with a design to consult them upon the whole of their affairs for the last time. Many speeches having been made, the person, who was first asked his opinion, was Lucius Quintius, who had been dictator the year before, a man, who was not only the greatest general, but also the ablest statesman of his time: He delivered such an opinion, as was most likely to persuade both the tribunes, and the rest of the citizens, to defer to a more proper season the consideration of the law, which did, in no respect, require to be entered upon at that juncture; and, with all alacrity, to undertake the war, that pressed upon them, and was almost at their gates; and not to suffer the sovereignty, which they had acquired with so much labor, to be wrested from them by a shameful, and pusillanimous conduct; but, if the people would not yield to these remonstrances, he, then, advised the patricians to
take

take arms, together with their clients, and such of the citizens, as were willing to fight for their country upon this most glorious occasion, and to march against the enemy with resolution, imploring the gods, who protect the city of Rome, to be their guides: Which, he said, would be attended with one of these two honourable, and just events, they would either obtain a more illustrious victory than they, or their ancestors had ever obtained, or die in fighting bravely for so noble a prize: He added, that he himself would not decline sharing in so worthy an enterprise, but would be present, and fight with a spirit equal to That of the most robust; and that all the aged men, who had any regard either for liberty, or glory, would follow his example.

XXVIII. The rest of the senators approving of this advice, and no one contradicting it, the consuls called an assembly of the people: And all the inhabitants of Rome flocking thither in expectation of hearing something new, Caius Horatius, one of the consuls, presented himself, and endeavoured to persuade the people to engage in this war, also, with cheerfulness: But this being opposed by the tribunes, and the people hearkening to them, the consul again rose up, and said: “ Virginius, you have performed a noble, and a
“ wonderful exploit, in dividing the people from the senate;
“ and, as far as it depends upon you, we have lost all the
“ advantages we have either inherited from our ancestors,
“ or acquired by our own labor: However, we shall not
“ easily part with them; but are resolved to take arms
“ with all those, who desire the preservation of their country,
“ and

“ and to go on to this ingagement in full confidence of
 “ success; and, if any god looks down upon battles fought
 “ in a glorious, and just cause; and, if Fortune, which has
 “ been long raising this city, has not yet abandoned it, we
 “ shall overcome our enemies: But, if any genius should ob-
 “ struct, and oppose the preservation of the commonwealth,
 “ it shall not perish, however, through any want of piety,
 “ and zeal in us; but we will chuse the most glorious of
 “ all deaths, to die for our country. In the mean time,
 “ O generous, and worthy patrons of the commonwealth,
 “ do you stay at home with the women, since you have aban-
 “ doned, or, rather, betrayed us, you, I say, who can never
 “ live with honor, if we conquer, or, if not, with safety;
 “ unless, perhaps, you flatter yourselves with this frivolous
 “ hope, that, when the patricians are all destroyed, the
 “ enemy will spare you in consideration of this service, and
 “ suffer you to enjoy your country, your liberty, your sove-
 “ reignty, and all the other advantages you, now, possess;
 “ which enemy, when you entertained the best sentiments
 “ in favor of the commonwealth, you deprived of a great
 “ part of their territories, rased many of their cities, and
 “ enslaved their inhabitants; and against whom you erected
 “ many noble trophies of your victories, and monuments of
 “ your enmity, which no time will, ever, be able to abolish.
 “ But, why do I find fault with the people for all this, who
 “ never erred willingly, and not rather with you, Virginius,
 “ and your colleagues, who are the authors of these glorious
 “ measures? We, therefore, whom necessity forbids to
 “ enter-

“ entertain low thoughts, have taken our resolution, and
 “ nothing shall hinder us from fighting in defence of our
 “ country : As for you, who have abandoned, and betrayed
 “ the commonwealth, the gods will pursue you with no
 “ flight revenge ; and, if you escape the punishment of
 “ men, That of the gods you will not avoid. Think not
 “ I say this to terrify you ; but be assured that those patri-
 “ cians, who will be left here to guard the city, should the
 “ enemy prove victorious, will take such resolutions, as be-
 “ come them. Have there not been instances of Barbarians,
 “ who, when they were upon the point of being taken
 “ by the enemy, rather than suffer them to become masters
 “ of their wives, children, and cities, resolved to burn the
 “ latter, and put the former to death ; and shall not the
 “ Romans, to whom the command of others was derived
 “ from their ancestors, entertain the same sentiments with
 “ regard to themselves ? They will never be so degenerate,
 “ but will, first, shed the blood of you, who are their greatest
 “ enemies, and, afterwards, That of their friends. When
 “ you reflect on these things, hold your assemblies, and bring
 “ in new laws.”

XXIX. After he had said this, and many things to the
 same purpose, he presented before them the most ancient
 patricians in tears. At this sight, many of the plebeians could
 not even themselves refrain from weeping : And great com-
 passion being raised both by the age, and dignity of those
 persons, the consul, after a short pause, said : “ Are you
 “ not ashamed, citizens, and ready to sink into the earth,
 “ when

“ when you see these old men going to take arms in defence
 “ of you who are young? And can you bear to abandon
 “ these leaders, whom you have, always, called fathers?
 “ Unfortunate men ! unworthy to be deemed citizens of this
 “ country, which was planted by those, who bore their
 “ fathers on their shoulders, and to whom the gods granted
 “ a safe passage through arms, and through fire ! ” When
 Virginius found the people were affected with this discourse,
 he was afraid lest, contrary to his desire, they might consent
 to join in this war ; and advancing, said : We neither aban-
 “ don, nor betray you, fathers ; neither do we desire to
 “ desert you, as we have, hitherto, never declined engaging
 “ in any war ; but resolve both to live with you, and suffer
 “ with you whatever Heaven shall decree : But, since we
 “ have, at all times, cheerfully concurred with you, we desire
 “ you to grant us a moderate favor, that, as we share in the
 “ same dangers with you, we may, also, share in the same
 “ rights, by instituting laws, the guardians of liberty, which
 “ may, ever after, be common to all : However, if you are
 “ averse to this, and refuse to grant this favor to your fellow-
 “ citizens, looking upon it as a capital crime to suffer the
 “ people to have an equal share with you in the distribution
 “ of justice, we shall, no longer, contend with you ; but,
 “ instead of that, we shall desire another favor of you, which
 “ if we obtain, we may possibly stand, no longer, in need of
 “ new laws : However, we are afraid we shall not obtain
 “ even this, which will prove no prejudice to the senate,
 “ but some honor, and indulgence to the people.”

XXX. In answer to this, the consul said, that, if the tribunes would leave this institution to the determination of the senate, they would deny them nothing that was reasonable; and ordered them to explain what they desired: When Virginius, after a short conference with his colleagues, said he would propose it in the senate; which being assembled by the consuls, he went in; and, after enumerating all the rights of the people, he desired that the magistracy, appointed to preside over them, might be doubled; and that, instead of five tribunes, ten might be chosen every year. Most of the senators were of opinion that this would bring no sort of prejudice to the commonwealth, and advised to grant it without opposition: This opinion was proposed by Lucius Quintius, who, at that time, had the greatest authority in the senate. Caius Claudius was the only person, who opposed it; he was the son of Appius Claudius, who had, ever, objected to the new institutions of the plebeians, when any of them were not agreeable to law; and, having inherited the principles of his father, he hindered, when he himself was consul, the inquiry, concerning the knights who were accused of being engaged in the conspiracy, from being committed to the tribunes: This man made a long speech, telling them that the people, if their magistracy was doubled, instead of being more reasonable, and observant, would become more extravagant, and insolent: For, says he, the future tribunes will not receive their magistracy upon certain terms, so as to adhere to the established customs; but will, again, propose the law concerning the division of
lands,

lands, and also That relating to an ²³ equality of laws; and all of them, successively, will endeavour, both by their words and actions, to encrease the power of the people, and abolish the prerogatives of the senate. This speech had a great effect upon the majority of that assembly. After this, Quintius brought them over again, by shewing them that it was for the interest of the senate that there should be many tribunes, because there would be less union among many, than among a few; and that the only relief the commonwealth could expect, which Appius Claudius, the father of Caius, first discovered, was That arising from the dissension

²³. Ἀλλὰ καὶ τὸν περὶ τῆς κληρονομίας ΑΥΘΙΣ προέθηκεν λόγον, καὶ τοὺς ὑπὲρ τῆς ΙΣΟΤΙΜΙΑΣ. So this sentence stands in all the editions, and manuscripts: However, I cannot help being of opinion that, instead of *ισοτιμίας*, we ought to read *ισονομίας*: My reason is, because *αυθις* governs as well the *λογον* ὑπὲρ τῆς *ισοτιμίας*, as That *περὶ τῆς κληρονομίας*. Now it is certain that the law concerning *an equality of honors* between the patricians, and plebeians, had not yet been proposed, nor was proposed till several years after: I think it plain therefore, that we must read ὑπὲρ τῆς *ισονομίας*, instead of ὑπὲρ τῆς *ισοτιμίας*, which the transcribers might easily insert for the other. I am surprised that none of the translators have taken notice of the inaccuracy, which our author must have been guilty of, if he had made Claudius say that the tribunes would *again* propose a law, which had never yet been proposed. Portus, I observe, has not translated *αυθις* *iterum*, but *confestim*, which I

believe he did in order to avoid the absurdity I have taken notice of, though he says nothing of it in his notes. However, this caution has been of use to le Jay, and preserved him from falling into that absurdity. For want of such an assistance, the other French translator has rendered this unfortunate word *αυθις* very fully, saying; *qu'ils remettroient d'abord sur le tapis le partage des terres, et l'égalité des honneurs entre le peuple, et les patriciens*; for this mistake he is obliged to his old friend Sylburgius, who has said, *sed rursus verba facturos de agris dividendis, et communicandis honoribus*. But my correction is established by the words, which our author will make use of in the thirty fifth chapter of this book (and which are the same with Those now before us) joining ΙΣΟΝΟΜΙΑ to κληρονομία; for he there says, *προέθηκεν γὰρ ΑΥΘΙΣ τὸν τε περὶ τῆς κληρονομίας ἰσμον—καὶ τὸν περὶ τῆς ΙΣΟΝΟΜΙΑΣ*.

of the tribunes, and their want of unanimity. This opinion prevailed; and the senate decreed that the people be allowed to chuse ten tribunes annually, provided that no person, who was then a tribune, should be of that number. Virginius, and his colleagues received this decree from the senate, and laid it before the people, who, having confirmed it, chose ten tribunes for the following year. After the sedition was appeased, the consuls raised two armies, and drew lots for the command: In consequence of which, Minucius was appointed to march against the Sabines, and Horatius against the Aequi: And both of them took the field with all expedition. The Sabines garrisoned their cities, and suffered every thing in the country to be carried off by the enemy. But the Aequi sent an army to oppose the Romans: However, proving inferior to them in a battle, in which they fought with great bravery, they were forced to retire to their cities after the loss of a small town, in defence of which they had fought the battle. Horatius, having put the enemy to flight, and laid waste a great part of their country, rased the walls of Corbio, demolished the houses to their foundations, and returned home with his army.

XXXI. The following year, Marcus Valerius, and Spurius Virginius being consuls, no army of the Romans went out of their confines, but the civil contests were renewed by the tribunes against the consuls; in the event of which, the former possessed themselves of some part of the consular power: For, before this, the power of the tribunes was confined to the assemblies of the people; but they had no
authority

authority either to assemble the senate, or to deliver their opinions there, ²⁴ the former being a power belonging to the consuls. The tribunes of this year were the first, who attempted to assemble the senate, Icilius, who was at the head of their college, an active man, and, for a Roman, not uncloquent, introducing this attempt: For this person was, at that time, bringing in a new law, by which he desired that a place, called the Aventine hill, might be divided among the plebeians to build houses there: This is a hill moderately high, not less than twelve stadia in circuit, and stands within the city; it was not, then, all inhabited; but belonged to the public, and was full of trees. The tribune, in order to get this law passed, went to the consuls, and to the senate, desiring they would pass the previous vote in favor of this law, and lay it before the people: But the consuls deferring it, and protracting the time, he sent an officer to them, with orders that they should follow him to

²⁴ ΑΛΛ' ἡντων ὑπάλων ΤΟΥΤΟ το γέρας. So this passage stands in all the editions, and manuscripts; and, according to this sense, all the translators have rendered it. But I would ask whether τὸ το γέρας relates to both, or only to the last; that is, to the power of assembling the senate, and to That of delivering their opinions there, or only to the last? If to both, τὸ το γέρας is improper; and if to the last, it is not true in fact, because all the senators had a right to deliver their opinions in the senate, when called upon, as well as the consuls. The first, I mean the power of assembling the senate, was, no doubt, a

privilege of the consuls: To this, therefore, and to this alone, τὸ το γέρας must refer: But that cannot possibly be, as the words now stand; because the right of delivering an opinion in the senate immediately precedes these words. I know of no way of curing this impropriety, but to suppose, what I do not think improbable, that our author writ *ἐκεῖνο* instead of τὸ το γέρας; and then *ἐκεῖνο* will very properly relate to the first, and to that alone: This is confirmed by the next sentence, where it is said, *οἱ δὲ τοῖς δημαρχοῖς πρῶτοι συγκαλεῖν ἐπεβλήθη τὴν βουλὴν.*

the

the college of the tribunes, and assemble the senate. And, when one of the lictors, by the orders of the consuls, drove away the officer, Icilius, and his colleagues, resenting this, seized the lictor, and carried him away with a design to throw him down the Tarpeian rock. The consuls, though they looked upon this as a great insult, were unable to use violence, or to rescue the man, who was carrying away; but implored the assistance of the other tribunes: For no person has a power of putting a stop to, or of obstructing, the actions of that college, but another tribune. And all of them had, at first, come to these resolutions, that no single tribune should either introduce any new law projected by himself, unless they all concurred in it, or oppose their determinations; but that every one of them should be bound by the resolutions of the majority: And, in order to give a sanction to these resolutions, they had, as soon as they entered upon the magistracy, confirmed them by sacrifices, and mutual oaths; being persuaded that the most effectual means to render the power of the tribuneship indissoluble, was to banish dissension from it. Adhering, therefore, to this confederacy, they ordered the lictor to be carried away, saying this was the unanimous resolution of their college: However, they did not persist in their resentment, but released the man at the intercession of the most ancient senators; being apprehensive not only of the odium, with which such a proceeding would be attended, if they should be the first to punish with death a man for obeying the orders of the magistrates, but also lest, by this violence, the

the patricians should be compelled to take desperate resolutions.

XXXII. After this action the senate was assembled, and the consuls laid themselves out in many invectives against the tribunes: They were answered by Icilius, who, to excuse their resentment against the licitor, alledged the sacred laws, by which it was enacted, “ that it shall not be lawful
“ either for a magistrate, or a private man, to give any opposi-
“ tion to a tribune;” and, concerning his attempt to assemble the senate, he shewed them there was nothing absurd in it; this he proved by many, and various arguments, which he had before prepared. After he had answered these accusations, he came to the law, which he proposed to introduce, the tenor of which was as follows: “ That all the ground, which
“ has been, justly, acquired by any private persons, shall
“ continue in the possession of the owners; but that such
“ part of it, as may have been usurped by force or fraud by
“ any persons, and built upon, shall be given to the people;
“ those persons being repaid the expences of such buildings
“ by the estimation of umpires to be appointed for that pur-
“ pose; and that all the rest of the ground, belonging to the
“ public, be divided among the people, they paying no
“ consideration for the same.” He then shewed them, that this law would be advantageous to the commonwealth in many respects, but particularly in this, that it would put an end to the disturbances raised by the poor concerning the public lands, of which the patricians were in possession: For he said they would be contented with their share in this
part

part of the city, since they could have none in the lands lying in the country, by reason of the number, and power of those, who had usurped them. When he had ended his discourse, Caius Claudius was the only person who opposed the law, while many spoke in favor of it: So that, it was decreed that the place should be given to the people. After this, the pontiffs being present, together with the augurs, and two sacrificers, and having offered up their customary vows, and prayers, the consuls held an assembly of the people by centuries, in which the law was enacted; and is inscribed on a column of brass; which column they carried to the Aventine hill, and placed it in the temple of Diana. The law being passed, the plebeians assembled; and, drawing lots for the ground, began to build, every man regulating the area of his house according to his abilities; and, sometimes, two, three, or more joined together to build one house; and, drawing lots, some had the lower, and others the upper stories. This year, therefore, was employed in building habitations.

XXXIII. The following year, in which Titus Romilius, and Caius Veturius were consuls, and Lucius Icilius, and his colleagues tribunes for the second time, was not of the same tenor, but various, and fraught with great events: For the civil contests, which seemed to be extinguished, were renewed by these tribunes; and some foreign wars sprung up, which, without being able to hurt the commonwealth in any degree, did her great service, by banishing these contests: For this was become a successive, and a customary thing for

for the Romans to agree in war, and disagree in peace ; which all the chief magistrates observing, beheld the appearance of any foreign war with joy ; and, when their enemies were quiet, they themselves contrived complaints, and pretences for wars, well knowing that wars rendered the commonwealth great and flourishing ; and seditions, low and weak : Actuated, therefore, with this principle, the consuls of that year resolved to take the field with an army, from an apprehension that idle and poor men might, in a time of peace, begin to raise some disturbances : In this they judged right, that the people ought to be kept employed in foreign wars ; but not in the steps they took to effect it : For the city being distempered, they ought to have made the levies with moderation ; but, instead of that, they compelled the disobedient by violence to give in their names, without allowing any excuse, or shewing the least indulgence, to any man ; but executed the punishments ordained by law with severity both on their persons, and fortunes. While they were employing this rigor, the tribunes took the occasion to inflame the people, again, with their harangues ; and, assembling them, they exclaimed against the consuls on many accounts, but, particularly, for having ordered several of the citizens to be carried to prison, who had implored the protection of the tribunes ; and said, they would discharge them from the service ; as if the sole power of the laws had been vested in them. When this had no effect, but they saw the levies carrying on with still greater severity, they resolved to obstruct them by force ; and the consuls resisting with all the

power of their magistracy, some irritating words passed, and acts of violence : The consuls were supported by the young patricians ; and the tribunes by the poor, and idle multitude. That day, therefore, the consuls were by much superior to the tribunes : But, the following days, greater numbers flocking to the city out of the country, the tribunes thought themselves sufficiently strong ; and, assembling the people continually, they produced their officers, who were in a bad condition with the blows they had received, and said they would resign their magistracy, if the people did not assist them.

XXXIV. The plebeians sharing in their resentment, they summoned the consuls to appear before the people, and give an account of their actions : But these paying no regard to their summons, they addressed themselves to the senate (who happened to be then debating this matter) and desired they would not suffer them to be treated in the most ignominious manner, or the people to be deprived of their assistance : They enumerated all the injuries they had received from the consuls, and their faction, who had insulted not only their authority, but their persons ; and desired the consuls might do one of these two things ; either that, if they denied they had committed any insult on the persons of the tribunes, contrary to the tenor of the laws, they might go to the assembly of the people, and confirm their denial upon oath ; or, if they durst not take such an oath, that they might appear before the people, and give an account of their conduct : And they would take the votes of
the

the tribes concerning them. On the other side, the consuls defended themselves by saying that the tribunes had given occasion to the abuse by their insolence, and by daring to insult their persons, contrary to law ; first, in ordering their officers, and the aediles to carry magistrates to prison, in whom the whole power of the commonwealth is vested ; and, after that, in attacking them outrageously themselves, with the most daring of the plebeians : They shewed how great a difference there is between the consuls, in whom the royal power resides, and the tribunes, who were instituted for the relief of the oppressed, and who were so far from having the power to give the people their votes against the consuls, that they could not do it even against the meanest of the patricians without the consent of the senate ; and they threatened to arm the patricians, if the tribunes gave the people their votes. These contests lasting the whole day, the senate came to no resolution, being unwilling to lessen either the power of the consuls, or That of the tribunes, both which they saw would be attended with great dangers.

XXXV. When the tribunes found they could obtain no relief from the senate, they went, again, to the assembly of the people, and considered what measures they were to take : Some, particularly the most turbulent, advised that the plebeians should take arms, and, again, retire to the holy mountain, where they had formerly incamped ; and, from thence, make war upon the patricians, since these had violated the convention they had made with the people, by openly subverting the tribunitian power : But the greater

part were of opinion that they ought not to leave the city, nor to attribute the outrages committed by some particular persons against the tribunes, to the whole body of patricians, provided they could obtain the relief granted by the laws; which ordain that those, who insult the persons of the tribunes, may be put to death with impunity: However, the more moderate did not approve either of leaving the city, or of putting any person to death without a trial, and least of all the consuls, who were the chief magistrates; but advised to transfer their resentment to those, who had assisted them, and to inflict on their abettors the punishment ordained by the laws. If, therefore, the tribunes had, that day, been led by their passion to attempt any thing against the consuls, or the senate, nothing could have hindered Rome from being destroyed by her own hands: So ready were all to run to arms, and engage in a civil war. But, by deferring matters, and giving themselves time for better consideration, they not only grew more moderate themselves, but appeased the resentment of the people. The following days, they appointed the third market day for the assembly of the people, and for laying a fine upon the consuls, and, after that, dismissed the assembly. When the time drew near, they desisted from this attempt also, alledging that they granted this favor to the intercession of persons of the greatest age, and dignity. After that, they assembled the people, and told them they pardoned the insults, which they themselves had received, at the desire of many worthy men, whom they ought not to refuse: But, as to the injuries,

injuries, which the people had suffered, they would punish the authors of them, and prevent the like for the future: For they would again propose, not only, the Agrarian law, the enacting of which had been postponed for thirty years, but, also, That concerning an equality of laws, which their predecessors had proposed, but not put to their votes.

XXXVI. Having made these promises, and confirmed them by their oaths, they appointed a day, on which the people were to assemble, and give their votes concerning these laws. The day being come, they, first, proposed the Agrarian law; and, after they had dwelt long upon this subject, they gave leave to all the plebeians, who desired it, to speak in favor of the law: Many presented themselves; and, after enumerating the exploits they had performed in the wars, they expressed their indignation that they, who had taken so much land from their enemies, should have received no part of it themselves, while they saw that such, as were powerful by their riches, and their friends, had usurped the lands that belonged to the public, and enjoyed them by the most violent means; and they desired that the people might have their share not only in the dangers, that were undertaken for the good of the public, but also in the pleasures, and profits, that resulted from those dangers. These were well heard by the people; but the person, who confirmed them the most in their resolution to pass the law, was Siccius, surnamed Dentatus, who, by the account he gave them of the many great actions he had performed, made them resolve not even to hear a word against it: This man had a wonder-

wonderful appearance; was in the strength of his age being fifty eight years old, sufficiently wise, and, for a foldier, not uneloquent: Presenting himself, therefore, to the assembly, thus he spoke: “ If, citizens, I should enter into a detail
 “ of all my actions, the day would not suffice me: For
 “ which reason, I shall only mention the most considerable,
 “ and in the fewest words I am able. This is the fortieth
 “ year that I serve my country in the wars, and the thirtieth
 “ that I have always had some military command, sometimes
 “ of a cohort, and sometimes of a whole legion, from the
 “ consulship of Caius Aquilius, and Titus ²⁵ Sicinus, to whom
 “ the senate committed the conduct of the war against the
 “ Volsci: I was then in my twenty sixth year, and posted

²⁵ Σικινς. So we must read the name of this consul, and not Siccus, as I have shewn in the thirty ninth annotation on the eighth book. It is possible that the name of Siccus Dentatus, so often mentioned in this transaction, may have misled the transcribers. I find by a note in Hudson (which M. *** has appropriated) that the manuscript, from which Lappus translated, had *τριακον και δευτερον*, instead of *τριακον*, which is the reading of all the editions, and of all the other manuscripts. Whether we follow this reading, or not, we must read *εκακαικοσατης*, instead of *επακαικοσατης*, which neither M. ***, nor any of the other commentators have observed; because, with regard to the age of Siccus, the two last years he did not serve as an officer must be added to the 30 years he did serve as such, which 32 years require 26, not 27,

to make 58, which, we find, was his age at this time. Notwithstanding all the pains, which M. *** has taken to support this reading of Lappus, he has not persuaded me to recede from That of the editions; because his whole reasoning seems to be built on a wrong foundation: He supposes that Siccus includes in the time he served as an officer, both the year we are now in, that is the 299th, and also the preceding year: But this cannot be, because, hitherto, the armies had not taken the field this year; and the year before the Romans had no war: These two years must, therefore, be deducted from the time of his having served as an officer, and then it will be found that, from the consulship of C. Aquilius, and T. Sicinus, that is, from the year of Rome 267 inclusively, he had served in the army as an officer just thirty years.

“ under

“ under the centurions: A severe battle ensuing, and our
 “ forces being put to flight, the commander of the cohort
 “ killed, and the ensigns taken by the enemy, I alone ex-
 “ posed myself in defence of all, and recovered the ensigns
 “ of the cohort; repulsed the enemy, and evidently pre-
 “ vented the centurions from being covered with eternal
 “ ignominy, which would have rendered the rest of their
 “ lives more bitter than death, as they themselves acknow-
 “ ledged by crowning me with a golden crown: And
 “ Sicinus, the consul, gave me the same testimony by ap-
 “ pointing me commander of the cohort. In another battle,
 “ it happened that the ²⁶ camp master of our legion was
 “ thrown to the ground, and the eagle taken by the enemy,
 “ when I fought, in the same manner, in defence of the

²⁶ Τὸν ἐστρατοπεδάρχην. This word well deserves to be explained, and the more because all the translators have mistaken the sense of it. Portus calls this officer, *praefectus legionis*, and five lines after, *primipilus*; Sylburgius says, *tribunus qui legioni et castris praeerat*, by which he confounds the two commands: However, he has given occasion to his follower, M. * * *, to say, *le colonel de notre légion, qui commandoit aussi toute l’armée*: This, besides the impropriety of giving to this officer the command of the whole army, which belonged to the consuls alone, is such a jumble of ancient, and modern terms, that I am much mistaken if his readers are the wiser for his translation. Le Jay has fallen into the same inconsistency, and calls him, *le*

lieutenant de notre légion. But, not to mispend any more time in shewing the reader what this officer was not, I shall inform him what he was: The ἐστρατοπεδάρχης was called by the Romans, as the name implies, *praefectus castrorum*, and so the Latin translators ought to have rendered it. ^P There was one of these officers in every legion: His business was to mark out the ground in the camp for his own legion; and all of them marked out That for the incampment of the whole army. They also directed where, and in what manner the intrenchments were to be made for the security of the camp. In a march, they had the care of the baggage, and of the engines; and many other things of less importance were under their inspection.

† Vell. Pat. B. ii. c. 129, and 120. Tacit. Annal. B. xiv. c. 37.

“ whole

“ whole legion ; recovered the eagle, and saved the camp
 “ master ; who, in acknowledgement for the assistance I
 “ then gave him, offered me his command in the legion,
 “ and the eagle ; but I refused both, being unwilling to
 “ deprive the man, whose life I had saved, of the honors
 “ he enjoyed, and of the satisfaction resulting from them.
 “ The consul was pleased with my behaviour, and gave me
 “ the post of camp master in the first legion, the former
 “ having been killed in that action.

XXXVII. “ These, citizens, are the brave actions, that
 “ have distinguished me, and raised me to commands.
 “ After I had gained an illustrious name, I hazarded my
 “ life in every other engagement, being ashamed to ex-
 “ tinguish the honors, and favors I had received for my
 “ former actions ; and, from that time, I have always served,
 “ and undergone the toils of war, without fearing, or even
 “ considering, any danger : By all which, I have received
 “ rewards, spoils, crowns, and other honors from the con-
 “ suls : In a word, during the forty years I have conti-
 “ nually served, I fought about an hundred and twenty
 “ battles, and received forty five wounds, all before, and not
 “ one behind : Of these I happened to receive twelve in one
 “ day, when Herdonius, the Sabine, was in possession of the
 “ fortress, and the capitol. The rewards of valor bestowed
 “ upon me are these ; fourteen ²⁷ civic crowns, with which
 “ I have been crowned by those I had saved in battle ; one

²⁷ Στεφανὺς πολέμικος. See the eighteenth annotation on the eighth book.

“ obfidional,

“²⁸ obfidional, for having raised a siege; and three ²⁹ mural
 “ crowns, for having first mounted the enemies walls, and
 “ taken possession of them; and eight others I have been
 “ honoured with by the generals for my behaviour in several
 “ battles: Add^d to these, eighty three golden collars, one
 “ hundred and sixty bracelets of gold, eighteen ³⁰ pike staves,
 “ and twenty five rich ³¹ gorgets, nine of which are the

²⁸. Ἐνα πολιορκητικόν. So I read this after Lapus. The ^a *corona obfidionalis*, the most honourable of all others, was made of grafs growing in the place besieged, and given by the soldiers, who had been shut up in the siege, to the general, who raised it.

²⁹. Τρεῖς τευχίαι. The *corona muralis* was given by the general to the man, who first mounted the walls of a town besieged, if it was taken: For which reason, it was adorned with battlements, ^r *Pinnis adornata*; a sure proof that these are not of Gothic institution; but borrowed by the Goths, like many other ornaments, from the Roman, or rather the Greek, architecture: For, in all the old Gothic buildings, we see some traces, though horribly disguised, of a true taste. When I say that battlements are not Gothic ornaments, it is possible that some gentlemen in my neighbourhood, if they do me the honor to read this, may think that I have an eye to the use I myself have made of them: But I can assure these gentlemen, and I know they will believe me, that the descriptions I had, long before, met with of the mural crown, taught me to use them, before

they taught me to justify the use I have made of them. The ^s mural crown was of gold, though ^t Suetonius seems to insinuate the contrary; but ^u Polybius affirms it expressly: *τοῖς δὲ πολέωσι καὶ ἀλαμειανομένης πρώτῃσι ἐπὶ τὸ τεῖχος ἀνέβασσι ΧΡΥΣΟΝ ΔΙΔΩΤΙ ΣΕΦΑΝΟΝ.*

³⁰. Δοράδα. These were called *bastae purae*, because without iron. ^w Virgil gives one of these to Silvius:

Ille (vides) purâ juvenis qui nititur bastâ.

Upon which occasion, Servius says, from Varro, that this reward was given to those, who had then *first* overcome in battle, *hoc fuit præmium apud majores ejus, qui tunc primum vicisset in proelio*: If so, no man could receive but one of them; and here we find that Siccus had obtained eighteen. But that grammarian is not always to be depended on for his quotations any more than for his remarks.

³¹. Φαλαρα. I have been obliged to translate these, *gorgets*, for want of another word, though I believe these bear some resemblance to the ornaments here in question. *Harnois*, which is the word made use of by the French

^a Plin. Nat. Hist. B. xxii. c. 4. Gell. B. v. c. 6
^t Life of Augustus, c. 25. ^u B. vi. p. 483.

^r Gell. B. v. c. 6. ^s Id. ib.

^w Aeneid. B. vi. §. 760.

“ rewards of so many single combats, in which I voluntarily
 “ engaged, and overcame those, who challenged any of our
 “ men. However, so it is, citizens, that this Siccus, who
 “ has served so many years in defence of you; fought so
 “ many battles; been honoured with so many testimonies
 “ of his valor; who never feared, nor declined any danger;
 “ but has been in pitched battles, and assaults of towns,
 “ among the foot, and among the horse; with all, with a
 “ few, and alone; whose body is covered with wounds,
 “ and who has contributed to the conquest his country has
 “ made of a large extent of fertile land, which you have
 “ taken from the Tyrrhenians, the Sabines, the Aequi, the
 “ Volsci, and the Pometini, after you had overcome them,
 “ and still possess; has not received even the least portion
 “ of this land, nor any one of you, plebeians, who have
 “ shared in the same toils; but the most violent, and the
 “ most shameless men of this city possess the most fruitful

translators, signifies indeed the accoutrements of a horseman; but, in that sense, it is too extensive, because it includes a complete armour: However, I fancy they were, like me, reduced to make use of the best term their language could supply them with. I cannot pretend to describe the particular ornaments expressed by the word *phalerae*, because authors differ so much concerning them; but this I know, that they were not only given to soldiers, as the rewards of superior valor, but also worn by the Roman noblemen, as marks of distinction; I

believe they were something like gorgets made of leather, and enriched with large gold studs, which hung down their breasts: It is, however, certain they were worn by those noblemen; since we find in ³ Livy that the senate were so much offended at the election of Flavius to the office of curule aedile, that most of the noblemen laid aside their gold rings, and their *phalerae*; *tantum Flavii comitia indignitatis habuerunt, ut plerique nobilium annulos aureos, et phaleras deposuerunt.*

³ B. ix. c. 46.

“ part of it, and have enjoyed it these many years without
 “ having either received a grant of it from you, or purchased
 “ it, or without being able to shew any other just title to it.
 “ If, indeed, they had taken an equal share with us in the
 “ toils, by which we acquired this land, and, upon that
 “ account, claimed a greater part of it (though, even
 “ then, it would not have been either just, or agreeable to
 “ a well ordered commonwealth, that a few should appropriate
 “ to themselves what belongs to all) however, there
 “ would then, at least, be some color for the avarice of these
 “ men: But, when, unable to shew they have performed
 “ any great, or brave action to intitle them to possess our
 “ properties by violence, they act in this shameless manner,
 “ and, though even convicted of it, still retain the possession
 “ of these lands; who can bear it?

XXXVIII. “ But, in the name of Jupiter, if I have mis-
 “ represented any thing, let any one of these solemn men
 “ stand forth, and shew us what illustrious, what noble
 “ actions he relies on, to claim a greater share in them, than
 “ myself: Has he served more years; fought more battles;
 “ received more wounds; or does he exceed me in crowns,
 “ gorgets, spoils, or in any other ornaments of victory, by
 “ which our enemies have been weakened, and our country
 “ rendered more illustrious and powerful? Rather let him
 “ shew the tenth part of what I have made appear to you:
 “ But the generality of them could not even produce the
 “ least part of what I have laid before you; and some there
 “ are, whose labors are not to be compared with those of

“ the meanest plebeian : For their excellence does not con-
“ sist in arms, but in words ; neither is their power exerted
“ against their enemies, but against their friends : They
“ look upon the city they inhabit, not as common to all,
“ but as their own property ; as if they had not been freed
“ by us, and with us, from tyranny, but had received us,
“ as an inheritance from the tyrants. I say nothing of the
“ other insults, both great and small, which they continue
“ to heap upon us, as you all know ; but they have carried
“ their pride so far, that they will not suffer any one of us to
“ utter a free word in favor of our country, nor even to
“ open our mouths. Spurius Cassius, who first proposed
“ the Agrarian law, was adorned with three consulships,
“ and two most illustrious triumphs, and had shewn in
“ many instances that he was as great a general, and as able
“ a politician, as any man of that age ; yet they accused
“ him of tyranny, and circumvented him with false wit-
“ nesses, for no other reason, than because he was a lover
“ of his country, and of the people ; and, casting him down
“ the Tarpeian rock, put him to death. When Caius
“ Genucius, one of our tribunes, resumed the same institu-
“ tion after the expiration of eleven years, and cited the
“ consuls of the former year to a trial, for having neglected
“ to carry into execution the decree of the senate concern-
“ ing the appointment of the commissioners to divide the
“ lands, finding they could not, openly, take him off, they,
“ privately, put him to death the day before the trial :
“ This inspired the succeeding tribunes with terror, and,
“ after

“ after that, none of them would expose themselves to the
 “ same danger ; and this is the thirtieth year we bear these
 “ things, as if we had lost our power under a tyranny.

XXXIX. “ I omit the rest : But your present magistrates,
 “ though by law their persons are sacred and inviolable,
 “ when they endeavoured to oppose the violence, that was
 “ offered to some of the plebeians, what dreadful treatment
 “ did they not meet with ? Were they not driven out of
 “ the forum with blows, kicks, and every other outrage ?
 “ Can you bear these things, and not endeavour to revenge
 “ yourselves on the authors of them ? Do this by your votes
 “ at least, in which alone you can exert your liberty. This
 “ is the time, plebeians ; assume the spirit of free men ; give
 “ your sanction to the Agrarian law, now it is brought in
 “ by your tribunes, and suffer not a word to be said against
 “ it. As for you, tribunes, you want no exhortation to pro-
 “ ceed in this affair : For you began it, and you do your
 “ duty in not deserting it : And, if the audacious, and
 “ shameless youth shall obstruct you by overturning the³² urns,

³²· Καδίσκος. We are obliged to the Vatican manuscript for this word, instead of καλιδίσκες in the editions, which can have no place here. Καδίσκος, a diminutive of καδος, signifies *an urn*, or *ballot box*, called by ^vLivy, *fitella*, if we are not rather to read *cistella*, because ²Cicero says, *cistas dejecit*, for what our author says, τὰς καδίσκους ἀναλίσσει. Into these the Roman people cast their billets ; and on those billets were inscribed the letters *U. R. uti rogas*, for

the affirmative, and *A. antiquo*, for the negative. These billets were called, in Greek, ψηφοί ; in Latin, *tabellae*, and, also, *puncta* ; from whence ^a Horace took this expression,

Omne tulit punctum, qui miscuit utile dulci.

The account I have given of the word καδίσκος is confirmed by ^b Julius Pollux, and also by ^c Harpocration, who explains this word by ἀγχιον τι, εἰς δὲ ἐψηφοφθεον ὅς δικασαί.

^v E. xxv. c. 3. ² Ad Heren. c. 12. ^a De Art. Poet. §. 343. ^b B. viii. segm. 16. ^c In Καδίσκος.

“ taking

“ taking away the billets, or committing any other disorders, while the people are giving their votes, let them feel the whole weight of the tribunitian power. And, since you are not allowed to abrogate the dignity of the consuls, bring to trial the private men, whom they make use of as the ministers of their violence; and take the votes of the people concerning them, as charged by you with violating, and subverting your magistracy, contrary to the sacred laws.”

XL. The people were so much pleased with his discourse, and shewed so great an indignation against their adversaries, that, as I said before, they would not even suffer them to say a word against the law. However, Icilius, the tribune, rising up, said that Siccius had spoken exceedingly well, and gave great commendation to the man; but shewed, at the same time, that it was neither just, nor agreeable to a well ordered commonwealth, to refuse liberty of speech to those, who desired to speak in opposition to the law, particularly since the law itself, now under their consideration, was calculated to render equity superior to violence; and that this would give occasion to such, as entertained no sentiments of equality, and justice with regard to the people, to raise fresh disturbances, and cause a division, when any thing advantageous to the commonwealth was proposed. Having said this, and appointed the next day for hearing those, who had any thing to object against the law, he dismissed the assembly. On the other side, the consuls held a private meeting of those patricians, who were the most distinguished for

for their courage, and reputation in the city, and shewed them that, by all means, they must hinder the law from passing, first by their words; and, if these cannot persuade the people, then by their actions: And they desired them all to come early in the morning to the forum, with all the friends, and clients they could, possibly, assemble; and that some of them should place themselves round the tribunal, and the comitium, and stand there; and others form several bodies, and post themselves in different parts of the forum, in order to divide the plebeians, and hinder them from uniting in one body. This advice was approved of; and, before it was broad day light, the greatest part of the forum was taken up by the patricians.

XLI. After that, the tribunes, and the consuls appeared; and the cryer made proclamation that any person, who desired it, might object to the law: And many worthy men offering to speak, none of them could be heard, by reason of the tumult, and disorderly behaviour of the assembly: For some encouraged, and animated the speakers, and others exploded, and hooted them: But, neither the applause of the favourers, nor the clamors of the opposers prevailed. The consuls being incensed at this, and protesting that the people began the violence, in refusing to hear what the others had to offer, the tribunes excused them by saying that, having already heard the same arguments for five years together, it was not to be wondered at, if they would not submit to hear these stale, and trite objections. The greatest part of the day being spent in these contests,
and

and the people insisting upon giving their votes, the young patricians, unable to bear these proceedings any longer, hindered the people from dividing themselves into their tribes; took the urns from those who were appointed to keep them; and, beating such of the officers, as would not part with them, they pushed them out of the forum. Upon this, the tribunes cried out; and, rushing into the midst of them, the others indeed made way for these, and suffered them to go, quietly, whithersoever they pleased; but the rest of the people, who either actually followed them, or were endeavouring to follow them from different parts of the forum during this tumult, and confusion, were not allowed to pass: So that, the people were deprived of the assistance of their tribunes. At last, the patricians prevailed, and would not suffer the law to be enacted. Those, who were thought to have assisted the consuls with the greatest zeal upon this occasion, were of these three families, the Postumii, the Sempronii, and the Cloelii, all men illustrious by the dignity of their birth, powerful by the number of their friends, and distinguished by their riches, their reputation, and their military exploits: These were allowed to have been the chief instruments in preventing the law from being passed.

XLII. The next day, the tribunes consulted with the most considerable plebeians what measures they were to take, laying this down for a rule universally acknowledged, not to bring the consuls to a trial, but the private men, who had been their instruments; whose punishment would be less regarded by the generality of the citizens, as Siccus had suggested.

suggested. However, they considered with great attention how many they should accuse, what name they should give to their offence, and, particularly, how great a fine they should set upon them. Those who were of a severe disposition, advised to carry all these things to a great, and dreadful height. On the other side, the milder sort were for a more moderate, and humane proceeding. The person, who was the author of this advice, and prevailed with the rest to come into it, was Siccius, who had made the speech to the people in favor of the Agrarian law. They resolved, therefore, to let the rest of the patricians alone, and to bring the Cloelii, the Postumii, and the Sempronii before the people to give an account of their actions: And that their charge should be that, whereas the sacred laws, which both the senate, and the people had enacted concerning the tribunes of the people, forbid any person to compel the tribunes to submit to any thing against their will like the rest of the citizens, they, ³³by violence, had hindered them from carrying through

³³ Καλιγρονες αυτες. This word I have taken the liberty of substituting in the room of καταγοντες, which is the reading of all the editions, and manuscripts. The former is a word often used by our author in this sense; particularly in the sixty fifth chapter of the sixth book, where he says the aristocratical party desired the consuls to remain neuter between the two parties, and to offer violence to neither; μη ΚΑΤΙΕΧΤΕΙΝ μηδεσαν των σοφρων: And the latter must signify here *detaining*, or something of that kind; which was not the case: For the young

patricians were so far from *detaining* the tribunes, that our author tells us they made an opening for them, and suffered them to go where they pleased. On the other side, they certainly made use of *violence* to hinder them from getting the law passed. I do upon this occasion what I have always done whenever I have made any alteration in the text; I give the word I except against, with That which I have inserted: By this means, I may indeed expose my own ignorance, but cannot do any injury to the text, if I am mistaken in my conjectures: The

the deliberation concerning the Agrarian law. And they, also, resolved that the judgement consequent to their conviction should be neither death, banishment, nor any other invidious punishment, lest this should save them, but that their fortunes should be consecrated to Ceres; which was the mildest punishment ordained by that law. These resolutions were pursued, and the time came when the men were to be tried. In the mean while, the consuls, and the most considerable of the patricians held a consultation, in which it was resolved to let the tribunes go on with the trials, lest, if they were hindered, they might do some greater mischief; and to suffer the enraged plebeians to spend their fury upon the fortunes of these men, to the end they might be tamer for the future, after they had taken some kind of revenge at least upon their enemies; particularly, since it was easy to make the sufferers amends for a calamity arising from a pecuniary punishment: Which happened accordingly: For the men being condemned by default, the fury of the people ceased, and some reasonable satisfaction seemed to be made to the tribunes; and the patricians bought the delinquents estates of the purchasers, with the public money, at the same price they had given for them, and restored them to the owners. Thus, by the conduct of the patricians at this juncture, the storm that hung over their heads was ³⁴ dispelled.

law here alluded to, upon which the tribunes designed to ground their charge against these young patricians, is set forth at length in the eighty ninth chapter of the sixth book.

³⁴ Διαλλεῖν. Livy gives a very slight account of this contentious scene between the consuls, and the tribunes of this year: Of all which he says no more than this;

XLIII.

XLIII. Not long after, when the tribunes began again to mention the Agrarian law, news was suddenly brought that the enemy had made an irruption into the territories of the Tusculani; which was sufficient to put a stop to their design: For the Tusculani, coming to Rome in great numbers, said that the Aequi were, already, in their country with a numerous army laying it waste, and that, unless some succours were speedily sent, they would be masters of their city within a few days. Upon which, the senate ordered that both the consuls should go to their relief. The consuls, having given notice of their intention to raise forces, called all the citizens to arms. This, also, produced something like a sedition, the tribunes opposing the levies, and

^c *Ili (tribuni) sequenti anno, T. Romilio, C. Veturio consulibus, legem omnibus concionibus suis celebrant: pudere se numeri sui nequicquam autēti, si ea res aequi suo biennio jaceret, ac toto superiore lustro jacuisset.* This is sure the most compendious account, that ever was given of the many interesting particulars, that fill this important scene; and the omission is the more to be lamented in Livy, because no historian, in my opinion, ever related with greater elegance, and perspicuity, or enlivened his relation with greater spirit: But the misfortune is (and a misfortune, which all his readers feel) that he was either too indolent to consult all the historians, records, and monuments, that were necessary to supply him with a large stock of materials; or had too much vivacity to confine himself to so laborious a task: However, if he did

give himself that trouble, he seems to have done it with no other view than to select such facts, as were most susceptible of ornament, and of those glowing colors, which his masterly pencil was very capable of throwing on them. But this choice, however happily improved, is rather the province of a poet, who is master of his subject, than of an historian, who ought to be a slave to it. The former may indeed do what ^e Horace says that Homer did,

*et quae
Desperat tractata nitescere posse, relinquit.*

But the historian is tied down, not only, by the facts, but, even, by the order, in which they happened; and has no other choice than in the manner of relating them.

^d B. iii. c. 31. ^e De Art. Poet. §. 149.

not suffering the punishments, ordained by law, to be inflicted on the disobedient; but without effect: For the senate assembling ordered that the patricians should take the field with their clients, and such of the citizens, as were willing to join them in an expedition undertaken for the preservation of their country, with an assurance that the gods would be propitious to those who should join the consuls upon this occasion, and offended with those who should desert them. When the decree of the senate was read in the assembly of the people, many even of these voluntarily engaged in the service: The worthiest men, through the shame they felt in not relieving a nation in alliance with them, which, by reason of their attachment to the Romans, was always receiving some damage from their enemies: Even Siccius, who, in the assembly of the people, had inveighed against the usurpers of the public lands, was one of these, and brought with him a body of eight hundred men, who were past the military age as well as himself, and not subject to the compulsion of the laws; but, as they honoured the man, in consideration of the many considerable favors they had received from him, they resolved not to leave him, when he was going upon this service. This body of men, by their experience in war, and their resolution in dangers, was far superior to the rest of the army. Great numbers were induced to serve by the exhortations of the most ancient citizens, and the affection they bore to them: Others were ready to expose themselves to any danger for the sake of the booty they expected to acquire in this expedition:

So that, in a short time, an army took the field, sufficiently numerous, and magnificently provided. The enemy, who had intelligence beforehand that the Romans designed to march out against them, prepared to return home with their forces: But the consuls, making a forced march, came up with them, while they lay incamped on a high, and steep hill near the city of Antium, and posted themselves not far from them. For some time, both armies continued in their camps: After which, the Acqui, despising the Romans for not having, first, attacked them, and judging their army not to be sufficiently numerous, they detached parties to cut off their provisions; forced back with their horse the Romans, when sent out to bring in corn, or forage; fell suddenly upon those who went for water, and challenged them, often, to come to an engagement.

XLIV. The consuls, seeing this, resolved to protract the war no longer. It happened that, during these days, Romilius had the conduct of it; and it belonged to him to give the word, to draw up the army, and to watch the opportunity both of beginning, and ending, the battle: Who, having ordered the signal to be given, and led his army out of the camp, posted the horse and foot, according to their divisions, each in their proper places: Then, calling Siccus to him, he said: “ We propose, Siccus, to engage the enemy
 “ in this place; but, before we begin, and while both
 “ armies are preparing for the battle, do you march, by that
 “ winding road, to the top of the hill, where the enemy
 “ have placed their camp, and attack the men left to guard
 “ it;

“ it, to the end that those, who will be engaged with us,
 “ either fearing for their camp, and desiring to relieve it,
 “ may turn their backs, and, by that means, be easily
 “ defeated, as I expect, while they are making a hasty
 “ retreat, and all pressing through one road; or, by stay-
 “ ing here, lose their camp: For the forces, that are left
 “ to guard it, are not strong enough for that purpose, as
 “ may be conjectured, since they place all their security in the
 “ strength of its situation; and your body of eight hundred
 “ men, exercised in many wars, will be of force sufficient
 “ to defeat, by a bold attack, those guards of their camp,
 “ when astonished by your unexpected onset.” To whom
 Siccus replied: “ For my part, I am ready to obey
 “ you in every thing; but the enterprise is not so easy as
 “ it seems to you: For the rock, on which the camp is
 “ situated, is high and steep; and I see but one road that
 “ leads to it, by which the enemy will come down upon us;
 “ and probably, a sufficient guard is placed there; which,
 “ though very small and weak, will be able to maintain
 “ their ground against a much greater force than mine;
 “ and the place itself will secure the guard from being
 “ forced: By all means, therefore, reconsider your design:
 “ For the attempt is extremely hazardous. But, if you are
 “ resolved, at all events, to fight two battles at the same time,
 “ order a sufficient number of chosen men to follow me and
 “ the veterans: For, in that case, we shall not march up the
 “ hill to take the place by ³⁵ surprise, but by open force.”

³⁵ Οὐ γὰρ κλεψόντες τὸ χωρίον. This rallying Cheirifophus, the Lacedae-
 is an expression of Xenophon, who, in monian general, upon the custom of

XLV. While he was going on in this manner, the consul interrupted him, and said: "There is no need of many words: If you dare to obey my orders, march this minute, and do not play the general; but, if you decline it, and start at the danger, I shall give the command to others: As for you, who have fought an hundred and twenty battles, and served forty years, and whose body is covered with wounds; since you came voluntarily, depart, without either encountering the enemy, or seeing them; and, instead of your arms, sharpen your tongue once more against the patricians. Where, now, are those many rewards of valor, those collars, bracelets, spears, gorgets, those crowns the gifts of consuls, and the spoils gained in single combats, with all your tedious boasts, which we, then, suffered you to display? For, when you are tried in this one action, where the danger is real, you are found to be the man you are, and found to be a boaster; and that you practise fortitude in appearance, not in reality." Siccus, stung with these reproaches, answered; "I am sensible, Romilius, that you propose to yourself one of these two things, either to destroy me living, and to vilify me by fixing the most

stealing, which was encouraged in the boys at Sparta, advises him to take care, lest, in stealing a march to the mountain they proposed to possess themselves of, they were not discovered, and treated like the Spartan boys, that is, severely whipped: ¹ *Νυν σὺ μάλα σοι καιρὸς ἐστὶν ἐπιδειξάσθαι τὴν παιδείαν, καὶ φυλάττεσθαι μὲν οἱ μὴ ληφθῶμεν κλεπ-*

τοντες τὰ ορεῖς, ὡς μὴ πολλὰς πληγὰς λάβωμεν: The old English translator of the expedition of Cyrus, John Bingham, has rendered this, *to steal some part, or other, of the hill*. This unfortunate version is taken notice of by me in the preface to my translation of the Anabasis.

¹ *Aræ. B. iv. p. 325. Edit. of Hutchinson.*

" shameful

“ shameful mark of cowardise on me, or to expose me to a
“ miserable, and obscure death by the hands of the enemy,
“ because you look upon me to be one of those, who enter-
“ tain sentiments of liberty: For you send me not to a
“ doubtful, but to a determined death. However, I will
“ undertake even this action, and endeavour, by shewing
“ that I am no coward, either to gain the camp, or, if I fail,
“ bravely to die: And I desire you, fellow-soldiers, if you
“ hear of my death, to bear witness for me to the rest of
“ the citizens, that I fell a sacrifice to virtue, and to the
“ great liberty, with which I expressed my thoughts.”
Having made this answer to the consul, and wept, he embraced all his acquaintance, and set out at the head of the eight hundred men, who were cast down, and shed tears, as if they had been going to certain death: And the rest of the army were moved at the sight, expecting to see them no more.

XLVI. However, Siccius took a different road from That proposed by Romilius, and marched by the side of the hill; then, leading his men into a thick wood that lay near, he halted, and spoke to them in this manner: “ We
“ are sent, as you see, by the general to destruction: For
“ he expected we should have taken the winding road,
“ which it was impossible we could ascend without being
“ discovered by the enemy; but I will lead you by a way,
“ where they shall not discover us, and have great hopes of
“ gaining some paths, that will bring us over the top of
“ the hill to their camp: Be not, therefore, cast down.”

Having

Having said this, he continued his march through the wood; and, after he was far advanced, he happened to meet a man, who was travelling that way, whom he ordered to be seized by the youngest of his company, and took him for his guide: This man, after leading them round the hill for a considerable time, brought them to the top of it, that³⁶ commanded the camp, to which they had now a short, and easy descent. During their march, the armies of the Romans, and Aequi engaged, and fought hand to hand with equal numbers, equal arms, and equal ardor; the battle was long and doubtful; the horse and foot, sometimes, gaining ground upon one another, and, sometimes, giving way; and many persons of distinction fell on both sides: At last, the fate of the battle was decided: For Siccus, and his men, when they came near the camp of the Aequi, found that part of it unguarded (because all the forces, which had been appointed to defend it, were gone to the other side that lay next the field of battle, to see the action) and, entering the camp with great ease, saw themselves upon a much higher ground than the guard: Then, shouting, ran to attack them: The Aequi, terrified with this unexpected danger, and judging them to be more numerous than they were, and that the other consul was there with his army, threw themselves out of the camp; many leaving, even, their arms behind them. Siccus and his men slew

³⁶ ΕΠΙΧΕΙΜΕΝΟΝ. The editions, and manuscripts have ΠΑΡΑΧΕΙΜΕΝΟΝ, which does not seem to me near so proper as the other; particularly as our author says, presently after, that, from this

place, the ἑδος was ἐπιφορος, or εὐεπιφορος, as the Vatican manuscript has it, which implies a declivity, and seems to suggest the word I have made use of.

all they could come up with; and, having possessed themselves of their camp, marched against those, who were in the plain. The Acqui, being informed by the flight and outcries of their men, that the camp was taken, and, not long after, seeing the enemy falling upon their rear, fought no longer with the same spirit; but broke their ranks, and endeavoured to save themselves some one way, and some another. And here was the greatest slaughter: For the Romans did not give over the pursuit till night, putting all to the sword they could overtake. But no man slew so many of them, nor performed so great actions, as Siccus; who, when he saw the affair was over, it being now dark, returned with his men to the camp they had taken, full of joy, and exultation. And all his men safe and unhurt, not only without having suffered any of the mischiefs they expected, but also crowned with the greatest glory, called him their father, their preserver, and their god; and, giving him every honourable appellation, could not satisfy themselves with embracing the man, and shewing every other instance of their gratitude. In the mean time, the rest of the Roman army, with the consuls, returned from the pursuit to their own camp.

XLVII. It was now midnight, when Siccus, full of resentment against the consuls for having sent him to destruction, resolved to take from them the glory of the victory; and, having communicated his design to his companions, and they approving it, and every one of them admiring the sagacity, and spirit of the man, he took his arms; and, ordering

ordering the rest to do the same, first put to death all the Aequi, whom he found in the camp, and stabbed all the horses, and other beasts of burden; then set fire to the tents, which were full of arms, apparel, warlike stores, and of the booty they had taken from the Tusculani, which was exceeding great; after every thing was consumed by the fire, he left the camp about break of day, carrying with him nothing but his arms, and, after a quick march, came to Rome: As soon as armed men appeared, celebrating their victory, marching hastily, and covered with blood, the people flocked to them, earnestly desiring both to see them, and to hear their exploits. But they went directly to the forum, and gave an account to the tribunes of what had passed; and these, calling the people together, ordered them to repeat it before them all. There being a great concourse, Siccius presented himself, and related to them both the victory, and the circumstances of the action, and that, by his own valor, and the valor of his eight hundred veterans, whom the consuls had sent to be slain, the camp of the Aequi had been taken, and the army, which was engaged with the consuls, put to flight: He desired they would impute the victory to no other persons, and ended with adding this: “We have saved our lives, and our arms, and “have brought with us no other marks of our victory.” The people, hearing this, expressed their compassion, and wept: The age of the men affected them, their valor moved them; and they were filled with resentment, and indignation against those, who had attempted to deprive the

commonwealth of such warriors. This relation (as Siccus had foreseen) drew upon the consuls the hatred of all the citizens; even the senate was exasperated beyond measure: For they granted them neither a triumph, nor any other distinction, the usual consequences of victory. The people, at their next election, created Siccus one of their tribunes, rewarding him with an honor, of which they themselves had the disposal. These were the most remarkable transactions of that time.

XLVIII. the consuls for the following year were Spurius Tarpeius, and Aulus ³⁷ Aterius: These favoured the people in every thing during their magistracy, and particularly in procuring the previous vote of the senate for laying before them ³⁸ the proposal of the tribunes: Since they saw that the patricians reaped no advantage from their opposition; but, on the contrary, that the most zealous assertors of their cause drew upon themselves envy, and hatred, private losses, and calamities: But they were, chiefly, terrified with the recent misfortune of the last consuls, who had been severely

³⁷ Ατρείος. Sigonius, in his note upon the consuls of this year in ² Livy, prefers this name upon the authority of Diodorus Siculus. In the *Fastis consulares* of Petavius, the consuls of this year stand thus, *Spurius Tarpeius Montanus, Aulus Aternius vel Aterius Fontinalis*.

³⁸ Το των δημαρχων δογμα. It appears by the translation of Lappus, that ατρεί was not in his manuscript; neither does the sense admit that proposition. The δογμα δημαρχων, here

alluded to, relates, in my opinion, to their resolution to solicit the previous vote of the senate, which our author will explain in the fifty second chapter of this book, and which had been so often pressed by the tribunes, and passed, at last, in this consulship, I mean That for laying before the people the proposal of the tribunes for compiling a body of laws, by which the patricians, as well as the plebeians, the magistrates as well as private men, should be bound.

treated by the people, and found no protection from the senate: For Siccius, who had taken the camp of the Aequi, and defeated their army, being now one of the tribunes, as I said, the very first day he took possession of his magistracy, after he had offered up the usual sacrifices for the preservation of the commonwealth, and before he entered upon any other public affair, had cited Titus Romilius to appear before the tribunal of the people, and make his defence to a charge brought against him, for having injured the public; and appointed a day for his trial: And Lucius Icilius, who was then aedile, and had been tribune the year before, had summoned Caius Veturius, the other consul of the former year, to take his trial, also, for the like offence. During the interval between the citation, and the trial, both sides employed many intrigues, and solicitations; the persons accused relying on the senate; and, encouraged by the assurances both of the old and young senators, that they would not suffer the trial to proceed, made light of the danger: On the other side, the tribunes, who had long provided against all attempts, and considered neither intreaties, threats, nor any danger, when the day was come, assembled the people. Before this, great numbers of handicraft's men, and labourers were come out of the country; and, having joined the citizens, filled not only the forum, but all the streets that led to it.

XLIX. Romilius was tried first: When Siccius presented himself; and, after charging him with all the acts of violence he had committed against the tribunes, while he was consul,
 he

he came, at last, to the insidious design, which the other had formed both against him, and the cohort, that was under his command: And, to support this charge, he produced, as witnesses, the most considerable men, then, in the army, not plebeians, but patricians; among whom there was a youth, distinguished by his birth, his own virtue, and his remarkable bravery, by name Spurius Virginius, who said “ that, being desirous to get Marcus Icilius, who was son to “ one of the men commanded by Siccius, and of his own “ age, and his friend, exempted from that service, in which “ he expected that both he, and his father would perish, he “ had prevailed upon Aulus Virginius, his own uncle, then “ a legate in the army, to go to the consuls, and ask this “ favor of them; which they refusing, he himself wept, and “ lamented the misfortune of his friend; that the young “ man, for whom he had interceded, being informed of this, “ ³⁹ went to the consuls; and, desiring leave to speak, said “ that he thought himself much obliged to those, who had “ interceded for him, but could not accept a favor, that

³⁹ Ελθεν. This is rendered by the Latin translators simply *venisse*, as it is in Greek, without saying to whom he went, which is explained by the subsequent words, λογὸν αἰτησάμενον: These can relate only to the consuls; since it cannot be supposed that the youth would use so much ceremony with a man of his own age, and his friend. Again, he says that τοῖς δειομένοις πολλὰν αἰδέεσθαι χάριν, which intercessors were the legate, and Virginius; consequently those words, λογὸν αἰτησάμενον, could

not with any propriety be addressed to the latter. These reasons, I suppose, did not occur to M. ***; because he has made the youth go to Virginius, not to the consuls, *que le jeune Icilius l'étoit venu trouver*: But then he seems embarrassed with these ceremonious words, λογὸν αἰτησάμενον, and leaves them out. I always commend le Jay with pleasure, when I can commend him with justice; he has translated this extremely well.

“ would

“ would deprive him of the opportunity of shewing his
 “ piety to a parent, whom he was the more resolved not to
 “ abandon, because he was going to his death, of which
 “ every one was convinced; but that he would go with
 “ him, defend him to the utmost of his power, and share
 “ the same fortune with them all.” After the young man
 had given this evidence, there was not a single person, who
 did not feel some emotion at the fate of those men. But,
 when Icilius the father, and his son were called upon as
 witnesses, and gave an account of what related to them-
 selves, the greatest part of the plebeians could, no longer,
 refrain from tears. Romilius, then, made his defence; and,
 in his speech, neither courted the people, nor used a style
 adapted to his situation; but expressed himself in haughty
 terms, exalting the power of the magistracy he had been
 invested with, as subject to no account: By which, he in-
 flamed the resentment of the citizens: So that, when they
 came to give their votes, every one of the tribes condemned
 him: His punishment was a fine, which amounted to
 40 ten thousand *asses*. And Siccus seems to me not to have
 done this without some design, but with this view that the
 patricians might be the less solicitous to save the man,
 and commit no outrages at the time of voting, when
 they reflected that the condemned person would be
 only fined; and, also, that the plebeians might be the

40. *Asses* *μυρία*. ^a I have, before, money: So that, 10,000 *asses* will
 shewn that a Roman *as* amounted to amount to 32 *l.* 5 *s.* 10 *d.*
 three farthings and one tenth of our

¹ See the seventeenth annotation on the ninth book.

more eager for the punishment, when it was not to extend either to the death, or banishment of a consular person. A few days after the condemnation of Romilius, Veturius was likewise condemned; his punishment was also pecuniary, and amounted to one ⁴¹ half more than the other.

L. The present consuls were terrified with the consideration of these punishments, and attentive to prevent the like from being inflicted on themselves after the expiration of their consulship: So that, they no longer concealed their resolutions, but, openly, directed all their measures to the interest of the people. And, first, they passed a law in an assembly of the people by centuries, “by which all magistrates
“are impowered to fine such, as are guilty of any disorderly,
“or illegal attempts against their authority:” For, till then, none but the consuls had this power. However, they did not leave the fine arbitrary in those, who should impose it, but confined the greatest to ⁴² two oxen, and thirty sheep.

⁴¹ Ημισολιον θάλερν. That is, 15,000 *asses*, or 48 *l. 8 s. 9 d.* of our money. I find that M. * * *, in his note upon this passage, and also le Jay, in his note, make 10,000 *asses* to amount to no more than 500 French livres, which do not make 25 *l.* of our money. This is much below Arbuthnot's computation, and, in my opinion, a great deal less than it ought to be. It seems very odd that our author, and ¹ Livy should make the fine of Veturius to have amounted to so much more than That of Romilius, who was certainly the most guilty; since it was he, who sent

Siccus, and his veterans to destruction. This induced Sylburgius to read ῥμισον, instead of ῥμισολιον. By this correction, the fine of Veturius will come to no more than 5000 *asses*: But, as both Livy, and our author make it amount to 15,000, and, as all the manuscripts, and editions concur in this sum, the correction of Sylburgius appears too violent.

⁴² Δυο βοας και τριακοντα προβατα. I find, by a note of Sylburgius, that ^k Brissonius thinks we ought to read δυο προβατα και τριακοντα βοας: His reason is, because ^l Gellius says that the

¹ B. iii. c. 31.

^k In Select. ex Jur. antiq. B. i. c. 3.

^l B. xi. c. 1.

And this law continued long in force among the Romans. In the next place, they referred to the consideration of the senate the laws, which the tribunes pressed to have enacted, that should bind all the Romans, and be observed for ever. Upon this occasion, many speeches were made by the best men; some tending to persuade the senate to grant the request of the tribunes, and some to reject it: However, the opinion of Titus Romilius, who, contrary to the expectation both of the patricians, and plebeians, supported the interest of the people against the oligarchy, carried it: For they concluded that a man, who had, lately, been condemned by the people, would both think, and say every thing that might oppose the desires of the plebeians. But he, rising up, when called upon to deliver his opinion in his turn (for

greatest fine, *multa suprema*, amounted to two sheep, and thirty oxen, from the consideration of the plenty of oxen in Italy, and the scarcity of sheep. But, if this was the only reason Brissotius had for altering the text, it is not a very strong one; because Gellius contradicts himself three lines after: For he there says that, by the Aterian law, which is the very law Dionysius is now treating of, and was so called from Aulus Aterius, one of the consuls of the present year, the person fined was to pay ten *asses* for every sheep, and one hundred for every ox; *idcirco postea lege Ateriâ constituti sunt in oves singulas aeris deni, in boves aeris centeni*. Festus, I know, says the same thing under the word *Peculium*. Notwithstanding their authority, we find not a tittle of this commutation in the Aterian law, as

recited by our author. But, if there was such an article in that law, which Dionysius has omitted (a supposition, by the way, not at all probable) still this will not reconcile the contradiction in Gellius, and Festus; because the latter says that the law, which fixed the *multa suprema* to two sheep, and thirty oxen, was passed in the consulship of Menenius Lanatus, and Cestius Capitolinus, which coincides with the year of Rome 302, that is, two years after the Aterian law was enacted, by which, as they say, the condemned person was to pay ten times more for an ox, than for a sheep: So that, according to Gellius, and Festus, the greatest fine amounted to two sheep, and thirty oxen, at the same period of time, when an ox was ten times as dear as a sheep.

he was of the middle rank both for dignity, and age) spoke as follows :

LI. “ I should be troublesome to you, fathers, if I related
“ what I have suffered from the people, not for any crime,
“ but for my attachment to you, when you yourselves are
“ so well acquainted with it : However, I find myself under
“ a necessity of mentioning it, to the end you may be assured
“ that the opinion I shall deliver, which I think will prove
“ advantageous to the commonwealth, does not flow from
“ a desire of flattering the people, whom I look upon as
“ my enemy, but from the greatest sincerity : And let no
“ one wonder, if I, who have been of a different opinion
“ upon many occasions, both before, and when I was consul,
“ am now changed on a sudden ; and let not any of you
“ imagine either that my sentiments were, then, ill grounded,
“ or that I have, now, altered them without reason : For,
“ while I thought your party strong, fathers, I supported
“ the aristocracy as it was my duty, and despised the ple-
“ beians ; but, grown wiser, since, by my own misfortunes ;
“ and finding by a dear bought experience that your power
“ is less than your will ; and that, yielding to necessity, you
“ have, already, suffered many who defended your cause,
“ to be dragged to destruction by the people ; I no longer
“ entertain the same sentiments. I wish, indeed, that those
“ misfortunes, which you all commiserate, had never hap-
“ pened either to myself, or to my colleague : But, since our
“ affair is over, and you have it in your power to correct
“ these things for the future, I advise you to consider in
“ time

“ time by what means the same misfortunes may not happen
 “ to others; and that all of you in general, and every one
 “ in particular, will act with prudence in the present juncture: For that nation is best governed, which changes her
 “ conduct, as circumstances change; and that man is the best
 “ counsellor, whose advice is influenced not by his private
 “ enmity, or favor, but by the advantage of the community;
 “ and they judge best of future events, who make the examples of the past, the rules of their judgement. It has happened, fathers, that, in all the disputes, and contests we have
 “ had with the people, the disadvantage has been on our side;
 “ and we have been chastised with the death, the ignominy,
 “ and the banishment of illustrious men. And what greater
 “ misfortune can happen to a commonwealth, than to lose
 “ her greatest men by degrees? These, therefore, I, who
 “ ⁴³ plead your cause, advise you to spare, and not to expose
 “ either the present consuls to manifest danger, and, then,
 “ desert them in the article of it, or any others from whom
 “ the commonwealth may reap the least advantage. Upon
 “ the whole, my advice is that you chuse ambassadors, and
 “ send some of them to the Greek cities in Italy, and others
 “ to Athens, to desire the Greeks will communicate to them
 “ their best laws, and such as are most adapted to our
 “ customs; and that the ambassadors bring these laws hither;

43. Τῶν ἐν συνδικῶν ὑμῖν. This passage is certainly corrupted in all the editions, and manuscripts; which the Latin translators have been so sensible of, that great pains have been taken by them to correct it. I shall not

trouble the reader with their corrections. Mine has this merit at least, that it disturbs the text less than any, and seems connected with the preceding sentence.

“ and, when they return, that the consuls propose to the
 “ consideration of the senate whom to elect as legislators,
 “ with what power, and for how long a time; and to de-
 “ termine every thing else in such a manner, as they shall
 “ think proper: But that you contend, no longer, with the
 “ plebeians; nor accumulate calamities upon yourselves;
 “ particularly, since you will struggle about laws, which, if
 “ nothing else, give, at least, a specious color to their ⁴⁴ re-
 “ quest.”

LII. After Romilius had spoken in this manner, the two consuls supported his opinion by long, and elaborate speeches; and also many other senators: So that, it was carried by a majority. When the previous decree was going to be drawn up, Siccus, a tribune who had cited Romilius to be tried by the people, rising up, made a long speech in his commendation; and praised him for changing his opinion, and for not preferring his private resentment to the public utility, but delivering with sincerity an advice, that was advantageous to the commonwealth: “ In consideration of which, says he, I make
 “ him this acknowledgement; I remit the fine, and am re-
 “ conciled to him from this time: For he has overcome us
 “ by his probity.” This was confirmed by the rest of the tribunes. However, Romilius would not submit to receive this favor; but, having returned thanks to the tribunes for

⁴⁴ *Ἀξίωσις*. This word has been a stumbling block to all the translators: They have agreed to give to *ἄξις* the sense of *ἄξιον*, and rendered it in their respective languages, *Majesty*. This mistake has made all their trans-

lations of this passage absolutely unintelligible. I have rendered it, *Request*, which is the common acceptation of the word; too common indeed to stand in need of any authorities to support it.

their

their desire to oblige him, he said he would pay the fine, because it was, already, consecrated to the gods; and that he should act contrary both to justice, and religion, if he deprived the gods of what the law had given them. And he paid it accordingly. The previous order of the senate being drawn up, and afterwards confirmed by the people, the persons who were appointed ambassadors to receive the laws from the Greeks, were Spurius Postumius, Servius Sulpicius, and Aulus Manlius, who were furnished with gallies having three tire of oars, at the public expence, and such an equipage, as was sufficient to display the dignity of the Roman empire. And thus the year ended.

LIII. In the eighty second Olympiad, at which Lycus of Larissa in Thessaly won the prize of the stadium, Chaerephanes being archon at Athens, when three hundred years were completed since the foundation of Rome, and during the consulship of Publius Horatius, and Sextus Quintilius, Rome was afflicted with a pestilential distemper, the severest that had ever been known before; by which, almost all the servants were carried off, and near one half of the citizens, the physicians being unable, any longer, to assist the sick, or their domestics, and friends to supply them with necessaries: For those, who were willing to relieve the calamities of others, by touching the bodies of the diseased, and continuing with them, contracted the same distemper: So that, many houses became desolate for want of people to attend the sick: One of the greatest grievances, and the reason why the contagion did not quickly cease, arose from their manner of
throwing

throwing out the dead: For, at first, both from shame, and the plenty they had of every thing that was necessary for burials, they burned the dead bodies, and laid them in the ground; but, at last, some, through a neglect of decency, and others, from a want of necessaries, threw them into the common shores, and many more cast them into the river, which occasioned the greatest mischief: For the dead bodies, being thrown up by the waves upon the ⁴⁵rocks, and shores, a grievous and horrible stench was dispersed by the wind; and, being received by such as were yet in health, produced a quick change in their bodies. For the same reason, the water brought from the river was, no longer, fit to be drunk, partly by its uncommon smell, and partly by its causing a bad ⁴⁶digestion. These calamities were not confined to the

⁴⁵ Προς τας ἀκίας καὶ τας ἥϊονας. Our author makes here a difference between ἀκίας and ἥϊονας; the first signifying a high, and the other a low, shore: This distinction in the Greek language, though not constantly observed, is as old as ^mHomer, who gives to ἀκίη the epithet of ἐριδύπος; from the roaring of the sea at the foot of it,

Ἄλλοτ' ἐπ' ἀκίῶν ἐριδύπων μακρὸν αὖτε.

Any other voice but that of Minerva, I imagine, would have been silenced by the noise of the waves. As for ἥϊων, ⁿHomer gives that name to the space between two promontories;

πλήσαν ἅπασης

Ἡϊόνος σῶμα μακρὸν, ὅσον συνεεργαθὸν ἀκραι.

⁴⁶ Τῷ πονηρὰς τὰς ἀναδόσεις πεινῶν τῆς

περὶ φησ. I am sorry that I cannot pursue the panegyrical strain in speaking of le Jay: But he has translated this passage in so burlesk a manner that his version is below censure: He has said, *ni propres à bien cuire les viandes qu'on mettoit bouillir*. The reader may possibly be surpris'd at this ridiculous mistake, but I can explain it. He found in Portus (for the Greek word ἀναδόσεις could not possibly lead him into it) *malam cibi concoctionem faciebat*; and his misfortune arose from taking this *concoction*, not for the concoction performed by the stomach, but for That performed in a kettle. *Ἀναδοσις* σίτων is a medicinal term of no very difficult comprehension, and signifies *the digestion, and distribution of nourishment through the whole body*.

^m Il v. γ. 50.

ⁿ Il ξ. γ. 35.

city only, but extended themselves to the country also; where the husbandmen felt the severity of the distemper in no less a degree; the infection being communicated to them by the sheep, and the other cattle they were always tending. While the people had any hopes in the assistance of Heaven, they all had recourse to sacrifices, and expiations: And, upon this occasion, many innovations, and practices unknown to the Romans, and indecent in themselves, were introduced into the worship of the gods; but, when they found these shewed no regard, or compassion to their sufferings, they abandoned, even, the observance of religious rites. During this calamity, Sextus Quintilius, one of the consuls, died, as also Spurius Furius, who had been appointed in his room; and four of the tribunes; together with many worthy senators. While the city was afflicted with this distemper, the Aequi prepared to make war upon the Romans, and sent ambassadors to the other nations, who were their enemies, to ingage them to enter into the war; but they had not time to draw the forces out of their cities: For, while they were making preparations, they were attacked with the same distemper; which spread itself, not only, over the country of the Aequi, but, also, over Those of the Volsci, and the Sabines, and carried off great numbers of their people; by which means, it happened that, as the lands were not cultivated, the plague was followed by a famine. By reason, therefore, of this distemper, no action, either military or civil, worth relating, was performed by the Romans under these consuls.

LIV. The following year, ⁴⁷ Caius Menenius, and Publius ⁴⁸ Cestius were chosen consuls, when the distemper, intirely, ceased. After which, public sacrifices of thanksgiving were performed to the gods, and magnificent games celebrated at a great expence; the people passing their time, as may well be supposed, in rejoicings, and festivals: And thus was the winter employed. In the beginning of the spring, a large quantity of corn was brought to Rome from many places; the greatest part of which was purchased with the public money, and some imported by private merchants: For the people laboured under a great want of provisions, the lands having lain uncultivated by reason of the distemper, and the death of the husbandmen. At the same time, the embassadors arrived from Athens, and the Greek cities in Italy, with the laws. After which, the tribunes went to the consuls, and desired them to appoint the legislators pursuant to the decree of the senate: These knew not how to elude their solicitations, and importunities; but, as they disliked the thing, and were unwilling the aristocracy should be subverted during their consulship, they had recourse to a specious pretence, by telling them that the election of magistrates being at hand, they were under an obligation, first, to appoint the consuls; which they would soon do; and, after these were appointed, they said, they would, in conjunction with them,

⁴⁷ Γαίος Μενένιος. ^a Livy, and the *Fasti consulares* call this consul, Caius: These I have followed instead of the editions, which call him, *Lucius*.

⁴⁸ Σέστιος. So this consul is also

called by ^r Livy. In the *Fasti consulares* of Petavius, he is called *Cestius*, as he is also by Festus in the passage I quoted from him in the forty second annotation on this book.

• B. iii. c. 32. ^r Id. ib.

refer to the senate the consideration, relating to the legislators. The tribunes consenting to this, they gave notice of the election much sooner than usual, and appointed Appius Claudius, and Titus Genucius, consuls. After which, laying aside all attention to the affairs of the public, as if that care was now devolved upon others, they paid, no longer, any regard to the tribunes ; but determined to withdraw themselves, under this color, from their importunities, during the remainder of their consulship. And it happened that one of them, namely Menenius, was seized with some illness of long continuance. Some gave out that grief, and dejection of mind had brought on him a consumption hard to be removed. Cestius laid hold on this occasion, pretending he could do nothing alone ; and eluded the solicitations of the tribunes by sending them to the new consuls. The tribunes, destitute of all other relief, were forced to have recourse to Appius, and his colleague, who had not yet entered upon their magistracy, and solicited them sometimes in the presence of the people, and sometimes alone. At last, they overcame them, by displaying great hopes of honor, and power, if they would espouse the interest of the people : For Appius was desirous of a new magistracy, in order to constitute such laws for his country, as should produce unanimity and peace ; and to teach all his fellow-citizens, by his own example, to look upon the commonwealth as one body. However, when he was, actually, invested with this great magistracy, he did not preserve his probity ; but, corrupted with the greatness of his power, was, at last,

carried away with an ambition to perpetuate it; and was very near running into tyranny: All which I shall relate in its place.

LV. At that time, he took those resolutions with the the greatest sincerity; and, having prevailed upon his colleague to enter into the same, and the tribunes, often, calling upon Appius to be present at the assemblies of the people, he appeared there, and made many speeches to them full of benevolence; the sum of which was, that both he, and his colleague were intirely of opinion that legislators ought to be appointed, and an end put to the contests of the citizens, concerning the establishment of equal rights; and these they declared to be their sentiments: However, as they had not, yet, entered upon the magistracy, they said, they had no power to appoint the legislators, but would be so far from opposing Menenius, and his colleague in their execution of the orders of the senate, that they would not only assist them, but return them great thanks for it: And, if they declined it, pretending that, new magistrates being appointed, it was not lawful for them to create others with consular power, after the former had, already, been elected to it, they said that, as far as this related to themselves, they would give them no opposition: For they were willing to resign the consulship to such magistrates, as should be appointed in their room, provided the senate should approve of it. The people applauded them for these sentiments; and, running in a body to the senate house, Cestius was forced to assemble the senate alone (Menenius being unable to attend
by

by reason of his sickness) and proposed to them the consideration of the laws. Many speeches were made upon this occasion also, both by those, who contended that the commonwealth ought to be governed by laws, and by those, who advised to adhere to the customs of their ancestors. However, the opinion of the consuls elect carried it; which opinion was delivered by Appius Claudius, who was first called upon, that ten persons be chosen out of the most distinguished senators; that these govern during one year from the day of their election; and be invested with the whole power of the commonwealth, in as ample a manner as the consuls, and, before them, the kings, enjoyed it; and that all the other magistracies be abrogated during the government of these decemvirs; that these select, as well out of the Roman customs, as out of the Greek laws brought by the ambassadors, the best institutions, and such as are advantageous to the Roman commonwealth, and form them into a body of laws; that these laws, after they have been approved of by the senate, and confirmed by the people, be established for a perpetuity; and that all future magistrates shall determine private contests, and administer the affairs of the public, according to these laws.

LVI. The tribunes, having received this decree from the senate, went to the assembly of the people; and, having read it, gave great commendations both to the senate, and to Appius, who had proposed it: And, when the time came for the election of magistrates, the tribunes assembled the people, and desired the consuls elect to come, and per-

form the promises they had made to them; and they appearing, abdicated their magistracy; upon which, the people commended, and admired them; and, when they were to chuse legislators, named them first; and the persons appointed in an assembly by centuries were Appius Claudius, and Titus Genucius, who had been chosen consuls for the following year; Publius Cestius, then consul; Spurius Postumius, Servius Sulpicius, and Aulus Manlius, who had brought the laws from the Greeks; and Titus Romilius, who having, a few years before, been consul, was condemned by the people upon a charge brought against him by Siccius, and was now chosen in consideration of the popular advice, of which he seemed the author; and with these, Caius Julius, Titus Veturius, and Publius Horatius, all consular senators. At the same time, the authority of the tribunes, aediles, quaestors, and of all the other magistracies instituted by their ancestors, was abrogated.

LVII. The following year, the legislators took upon themselves the administration of affairs, and established this form of government: One of them had the rods, and the other ensigns of the consular power; assembled the senate; declared their resolutions; and performed all the other functions belonging to the head of the commonwealth: While the rest, contracting their invidious power within a more popular compass, differed in their appearance but little from the other citizens: After that, another succeeded to the exercise of this power. And thus they governed
suc-

⁴⁹ successively, during the ⁵⁰ number of days they had agreed upon, till the year expired. But all of them sat in the tribunal early in the morning, and took cognizance of all causes, both private and public, and also of the complaints, that were brought against the subjects, and allies of the Romans, and against those, who gave reason to doubt of their obedience to them; every one of which they examined with great moderation, and justice. And the Roman commonwealth seemed, that year, to be exceedingly well governed by the decenvirs. But, above all, they were commended for their care of the plebeians, and for opposing every kind of violence, that was offered to the weaker sort: And the generality of the people said that the commonwealth stood, no longer, in need of tribunes, or of any other magistracies, while all affairs were managed with prudence by this single regency; of which Appius was looked upon as the chief; and the people gave to him the praise flowing from the conduct of the whole decemvirate: For he gained the reputation of probity, not only, by those things, which he did in concert with his colleagues from the best motives, but much more

⁴⁹ Εκ παρανομῆς. I know nothing of this word; neither have I ever met with it before; though it stands in all the editions, and manuscripts, except the Vatican, which has ἐκ περινομῆς. This expression, though very uncommon, yet, when joined to παραλλαξ, may signify a *customary succession*. The sense seems to require ἐκ διανοχῆς; but παραλλαξ supplies that.

⁵⁰ Εἰς συγκαταμενον τινα ἡμερων αριθμον.

⁹ Livy says that each of the decenvirs (whom he calls upon that occasion, *praefectum juris*) governed one day; during which, he was attended with the twelve *fascēs*, and each of the other nine with an officer, called by the Romans, *Accensus*; *Decimo die jus populo singuli reddebant. eo die penes praefectum juris fascēs duodecim erant: collegis novem singuli accensi apparebant.*

⁹ B. iii. c. 33.

by

by those, that were owing to his personal behaviour, with regard to his salutations, his obliging affability, and the other favors he conferred upon the poorer sort. The decenvirs, having formed a body of laws, both from Those of the Greeks, and their own unwritten customs, proposed them to the consideration of the public in ten tables; and, by receiving every amendment suggested by private persons, endeavoured to correct them in such a manner, as to give a general satisfaction. They consulted long in public with the best men concerning these laws, and examined them with the greatest attention; and, when they were satisfied with them, they, first, assembled the senate, and no new objections being made to the laws, they procured a previous vote of that assembly in approbation of them: After which, they convened the people by centuries, and the pontifs, the augurs, and the rest of the priests being present, and having directed the performance of the customary rites, they gave the centuries their votes. And these laws being, also, confirmed by the people, they caused them to be ingraved on brazen pillars, and placed them in order in the most conspicuous part of the forum. Then, as the time of their magistracy was near expiring, they assembled the senate, and proposed to their consideration what kind of magistrates should be chosen at the next election.

LVIII. After a long debate, it was carried that a decemvirate should, again, be invested with the supreme power: For this collection of laws seemed to be imperfect, by reason of the shortness of the time, in which they had been compiled, and

and some magistracy, absolute in power, seemed necessary to compel the unwilling to observe those laws, that were already enacted. But the chief motive, that induced the senate to give the preference to the decemvirate, was the suppression of the tribunitian power, which they desired above all things. This was the result of their public consultations; but, in private, the leading men of the senate determined to make interest for this magistracy, from an apprehension that the turbulent, if invested with such a power, might occasion some great mischief. The people having, cheerfully, received the resolutions of the senate, and confirmed them with the greatest alacrity, the decemvirs themselves appointed a day for the election; and those among the patricians, who were the most distinguished both for their dignity, and age, stood candidates for this magistracy. Upon this occasion, Appius, who was the chief of that decemvirate, received great praise from the whole assembly, and all the plebeians desired to continue him in the magistracy, since no man had governed better than himself: But he pretended, at first, to refuse it, and desired they would discharge him from a service, that was both troublesome and invidious. But, at last, when they all pressed him, he, not only, submitted to sue for it himself, but, accusing the most worthy of those, who stood candidates with him, of being ill disposed to him through envy, he openly solicited in favor of his friends: So that, he was, again, chosen legislator by the centuries; and with him Quintus Fabius, surnamed Vibulanus, who had been thrice consul, a man irre-

irreprehensible till that time, and adorned with every virtue: These patricians, whom he favoured, were also chosen, Marcus Cornelius, Marcus Sergius, Lucius Minucius, Titus Antonius, and Manius Rabulejus, men of no great note; and, of the plebeians, Quintus Poetilius, Caeso Duillius, and Spurius Oppius; for these also were taken in by Appius, in order to flatter the plebeians: His pretence was that, as only one magistracy was appointed to govern all the citizens, it was just that the people should likewise have some share in it. Thus Appius, whose reputation was raised by all these things, and who was looked upon a superior both to their kings, and consuls, received, again, this magistracy for the following year: These were the transactions of the Romans under that decemvirate, nothing else having happened worth relating.

LIX. The year after, Appius, and his colleagues having received the consular power on the 5th ides of May (for the Romans computed their months according to the course of the moon, and the full moon coincided with the ides) the first step they took was to enter into an agreement, without the privity of the people, which they confirmed by their oaths, not to oppose one another in any thing; that, whatever was proposed of by any one of them, all the rest should support it; that they should hold their magistracy during their lives, and admit no other person into the administration;

51. *Idibus Maiis.* This was the day *Maias solennes incundis magistratibus*
then appointed for the magistrates to *crant.*
enter upon their office. *Idus tum*

¹ Livy, B. iii. c. 36.

that

that all should enjoy the same honors, and the same power; and that they would seldom make use of the votes either of the senate, or people, and only in those things, that were absolutely necessary; but transact the greatest part of affairs by their own authority. When the day was come, on which they were to enter upon their magistracy, after they had offered up the usual sacrifices to the gods (for the Romans look upon this day as holy, and particularly make it a point of religion neither to hear, nor see any thing disagreeable on that day) they appeared in public early in the morning, each of them being attended with all the ensigns of royalty. When the people saw they, no longer, preserved the same popular, and modest appearance in the use of their power, nor took the ensigns of royalty, as before, by turns, they were greatly afflicted, and cast down: They were terrified with the axes fixed to the rods, which were borne by the lictors, twelve of whom preceded each of the decemvirs, and with blows forced the people to make way, as had been formerly practised under the kings; but this custom was abolished presently after their expulsion by Publius Valerius, a popular man, who succeeded to their power; and all the consuls after him, following the good example he had set them, would never, from that time, suffer the axes to be fixed to the rods, unless they went out of the city either to command the armies, or upon any other occasion; but, when they were in the field, or went to inspect the affairs of those, who were subject to the Romans, the axes were added to the rods, to the end that this sight might terrify

their enemies, or subjects, but never give offence to the citizens.

LX. When, therefore, they all saw this, which was considered as a mark of the kingly power, they were, as I said, greatly terrified, and concluded they had lost their liberty, and chosen ten kings instead of one. The decemvirs having, by this means, struck terror into the multitude, and resolved to make that terror the support of their future government, each of them formed a faction consisting of the most daring among the youth, and of those, who were most attached to their persons. That most men of desperate fortunes, and low condition should shew themselves the flatterers of a tyrannical power, and prefer their private advantages to the public good, is neither extraordinary, nor surprising; but that there should be found many, even among the patricians, qualified both by their fortune, and birth to entertain sentiments of some elevation, who could submit to join with the decemvirs in subverting the liberty of their country, This every one must wonder at, who considers that these decemvirs governed the commonwealth with great licentiousness, indulging every passion, that subdues mankind, and disregarding both the senate, and people; assuming to themselves to be not only the legislators, but the judges, of all laws; putting many of the citizens to death, and depriving many others of their fortunes, contrary to justice: However, to give a color to their illegal, and cruel proceedings, they appointed tribunals to try every cause; but the accusers, who were chosen from among the instruments

ments of their tyranny, were suborned by the decemvirs themselves, and the tribunals filled with men of their own faction, who gratified one another by turns in the decision of those causes; and many, not of the least consequence, the decemvirs themselves heard: So that, those suitors, who had the least right, were under a necessity of entering into these factions, since they could not, otherwise, be secure of success: And, in time, the corrupted, and infected became more numerous than the incorrupt: For those, who were dissatisfied with the conduct of the decemvirs, would not so much as stay in the city; but retired to the country, in order to wait for the election of magistrates, from an expectation that the decemvirs would resign their power after the year was expired, and appoint other magistrates. But Appius, and his colleagues, having caused the remaining laws to be inscribed on two tables, added them to Those they had, before, published: Among the former there was this law, “That⁵² it should not be lawful for the patricians to contract marriages with the plebeians;” which law they inserted for no other reason, in my opinion, than to prevent the two orders from uniting, and mixing together by reciprocal marriages, and a communication of affinity: Even when the time for the election of magistrates was come, they bid adieu both to the ancient customs, and to the new laws;

⁵² Μη εἶναι τοῖς πατρικίοις, etc. I shall defer speaking of the laws of the twelve tables till I come to that unfortunate hiatus in the next book, which must have consisted of many

pages, since our author says he there gave an account of these laws, and compared them with Those of the Greeks.

and, without the appointment either of the senate, or of the people, they continued in the same magistracy.

LXI. After the expiration of this year, the eighty third Olympiad was celebrated; at which Criso of Himera won the prize of the stadium, Philiscus being archon at Athens, while, at Rome, Appius Claudius, who was at the head of the decemvirate for the third year successively, retained the consular power; and the other decemvirs, who had governed jointly with him the year before, continued in the same magistracy for the second time.

The end of the Tenth book.

THE

THE
ROMAN ANTIQUITIES
OF
DIONYSIUS HALICARNASSENSIS.

THE ELEVENTH BOOK.

IN the eighty third Olympiad, at which Criso of Himera won the prize of the stadium, Philiscus being archon at Athens, the Romans abolished the decemvirate, after it had governed the commonwealth three years. I shall now endeavour to relate from the beginning in what manner they attempted to extirpate a domination, by this time, deeply rooted; who the leaders were in the cause of liberty; and what reasons, and motives induced them to undertake it. I look upon it that knowledge of this kind is necessary, and does honor indeed to all men, but particularly to those, who are employed either in philosophical speculations, or the administration of civil affairs: For the generality of mankind are not satisfied with learning this alone from
history,

history, that, in 'the Persian war (for example) the Athenians, in conjunction with the Lacedaemonians, overcame the Barbarian, whose forces amounted to three millions, in two battles at sea, and in one at land, when the army of the former, with their allies, did not exceed one hundred and ten thousand: But they require, also, to be informed of the places, where those battles were fought; of the causes, that enabled them to perform such wonderful, and astonishing exploits; who were the commanders of the Greek, and Barbarian armies, and to be unacquainted with no one circumstance, as I may say, that happened in those engagements: For the minds of all men are pleased with being conducted by narrations to facts, and not only with hearing what is related, but, also, with seeing what is acted. In the same manner, when they read an account of civil transactions, they are not satisfied with knowing only the prin-

ANNOTATIONS on the Eleventh Book.

1. Τον Περσικόν πόλεμον. See the twenty fourth annotation on the sixth book. The reader, by this time, may not be surpris'd to find that the two French translators did not know how many τριακοσiai μυριαδες amounted to; but he may be surpris'd to find they have rendered, *tricies centena millia*, in the Latin translators, *trois cents mille hommes*. Τριακοσiai μυριαδες, or ten thousand, multiplied by three hundred, make three millions; and *tricies centena millia*, or one hundred thousand, multiplied by thirty, make the same

sum. They had both the ill luck to translate *tricies*, *three times*, not *thirty times*, as they ought to have rendered it. Our author seems to have taken the number of which the Persian army consisted, from the epitaph, which ^a Herodotus says was inscribed on the monument of the four thousand Peloponnesians, who lost their lives so gloriously at Thermopylae in defending that pass against the Persians:

ΜΥΡΙΑΣΙΝ ὡς τε τῆδε ΤΡΙΗΚΟΣΙΑΙΣ ἐμαχοντο
Ἐκ Πελοποννησος χιλιάδες τέλορες.

^a In Polym. c. 228.

cipal points, and the events of those transactions, as, for instance, that the ² Athenians suffered the Lacedaemonians

² Οτι συνεχώρησαν Ἀθηναῖοι Λακεδαιμονίαις, etc. After Lyfander had destroyed the Athenian fleet at Aegospotamos, he sailed to the port of Piræus, and blocked up Athens by sea, with one hundred and fifty ships, while the ^b Lacedaemonians, with all the forces of Peloponnesus except Those of the Argivi, invested the city by land, incamping in the gymnasium of the academy. This blockade lasting a considerable time, the Athenians, being oppressed with famine, of which many had died, sent to Agis, one of the Lacedaemonian kings, who commanded a body of forces at Decelia, to treat of a peace: The terms they offered, were to enter into an alliance with the Lacedaemonians, and to preserve the port of Piræus, and the walls that lead to that port from the city of Athens, called by them, *μακρά τεύχεα*. But Agis alledged that he had no power to treat with their ambassadors, and sent them to Sparta. While they were on their way thither, and before they entered the territories of the Lacedaemonians, the ephori, hearing they had brought no other proposals than Those they had offered to Agis, ordered them to depart; and, if they desired peace, to consider better, and return. Upon this, the Athenians sent Theramenes to Lyfander to sound his intentions concerning their fate. Theramenes staid above three months with Lyfander in expectation that the Athenians, when all their provisions

were spent, would hear reason. In the fourth month he returned, and told the Athenians that Lyfander had detained him so long, and ordered him to go to Sparta, since the Ephori, not he, had the power to grant what was desired. The Athenians then sent him, and nine others to Sparta, with full power to conclude a peace. The Ephori, being informed of their arrival with these powers, called an assembly of the Lacedaemonians, and their allies: Of these the Corinthians, and Thebans, with several others, pressed, with great vehemence, that Athens might be totally destroyed; but the Lacedaemonians generously said they would not enslave a people, who had done so great service to Greece in the greatest dangers. They made peace, therefore, with the Athenians upon these terms; that the latter should demolish the long walls, together with the port of Piræus; deliver up all their ships except twelve; restore their exiles; have the same friends, and enemies with the Lacedaemonians, and follow them by sea, and land, whithersoever they should lead them. These are the dreadful conditions our author alludes to; and this is the peace, which put an end to the Peloponnesian war. In consequence of this peace, the Athenians delivered up to Lyfander all their ships except twelve, and the long walls, on the sixteenth of the month ^d Munychion, about the eighteenth of April.

^b Xenoph. *Ελληνικ.* B. ii. p. 458. Edit. of Leunclav.

^c Plutarch, *Life of Lyfand.*

^d Petav. part. prim. B. iii.

to demolish the walls of their city ; to destroy their ships ; to garrison their citadel, and, instead of a democracy, which was their established form of government, to vest the administration in an oligarchy, without so much as fighting a battle with them : But they will, presently, want to be informed of the necessity, that reduced them to submit to such dreadful, and miserable calamities ; what the reasons were, that persuaded them to it ; and by whom those reasons were urged ; and of every circumstance, with which those transactions were attended. Men, who are engaged in the management of civil affairs, among whom I place even those philosophers, who look upon philosophy to consist in the exercise of fine actions, rather than in That of fine discourses, have this in common with the rest of mankind, that they

The year, in which this peace was made, is surely ascertained, because * Xenophon says that the Olympiad was celebrated the year after, in which year Pythodorus was archon at Athens, though not named by the Athenians, because he was chosen during the oligarchy, they calling that year an anarchy : In that year also, he says, there happened an eclipse of the sun. All these characters coincide with the first year of the ninety fourth Olympiad, when Pythodorus, as appears by the succession of the Athenian archons, was archon at Athens ; and the eclipse of the [†] sun he mentions fell out, that year, on the third day of September in the morning. In the same year, the Athenians, at the desire, or rather by the command, of the Lacedaemonians,

changed their form of government in the manner related by our author, that is, they transformed their constitution from a democracy to an oligarchy, consisting of thirty tyrants, as they soon appeared. Xenophon, by setting down all their names, has condemned them to perpetual infamy. Not long after, these tyrants desired the Lacedaemonians to send them troops to garrison their citadel, which troops they engaged to pay. It may be easily supposed they found no sort of difficulty in obtaining this request. These troops arrived ; and they were, as our author says, introduced into the citadel, and made use of by the oligarchy to secure every man, who had virtue, and spirit enough to oppose their unwarrantable proceedings.

* Xenophon *Ελληνικα* B. ii. p. 461.

† Usher, p. 128.

are pleased with the intire view of all the particulars, that accompany every action : But, besides that pleasure, they have this advantage, that the experience they have acquired by such means, enables them to do great service to their countries in times of difficulty, and to lead them to their interests through choice, by the power of their eloquence : For all men are easiest convinced both of their advantages, and disadvantages, when they discover them through the medium of many examples ; and those, who advise them to make use of these, are applauded by them for their prudence, and great wisdom. For these reasons, therefore, I have determined to enter into an accurate detail of all the circumstances worthy of notice, that attended the subversion of the oligarchy. I shall not begin this relation from the last incident, which many people look upon as the sole cause of the reestablishment of liberty, I mean, the excess committed by Appius in regard to the virgin he was in love with : For this was an accession, and served to fill up the measure of the people's resentment, which a thousand other indignities had provoked : But I shall begin with an account of the first insults offered by the decemvirate to the Romans, and relate, successively, all the enormities committed under that administration.

II. The first cause of the hatred conceived against the oligarchy seems to have been this, that the members of it had connected their second magistracy with the first, in contempt both of the senate, and people. Another was, that, by false and heinous accusations, they banished some

of the worthiest men, who were dissatisfied with their proceedings, and put others to death: And, to effect this, they suborned some of their own faction to accuse them, and they themselves tried these causes. But nothing drew upon them so much hatred, as the licence they gave to the most audacious of the young men, with whom each of them was always attended, to plunder and pillage the fortunes of all, who opposed their administration. These men, as if the city of Rome had been taken by force of arms, not only stripped the legal possessors of their effects, but even ravished their wives, when inflamed by their beauty; abused such of their daughters, as were marriageable; and, when the others resented their brutality, they beat them like slaves. And, by this usage, they forced those, who were unable to bear it, to leave their country with their wives, and children, and take refuge in the neighbouring cities, where they were received by the Latines, on account of their affinity, and by the Hernici, in acknowledgement for the concession lately made to them by the Romans of the rights of citizens. So that, at last, as might be expected, there were none left at Rome but the friends to tyranny, and such, as had no concern for the public good: For neither the patricians, who were equally incapable of flattering the decemvirs, and of opposing their proceedings, continued there; nor the senators, whose presence was necessary to the magistrates; but the greatest part also of these had removed with their whole families; and, leaving their houses empty, lived in the country. The oligarchical faction were pleased with the flight of the most

considerable men for many reasons, but particularly, because it increased the arrogance of the licentious youth not to have before their eyes those persons whose presence would have made them blush at their enormities.

III. Rome being, thus, deserted by her best citizens, and absolutely deprived of her liberty, the nations, who had been conquered by her, looked upon this as the most favourable opportunity both to revenge the insults they had received, and to repair the losses they had sustained, while the commonwealth was weakened by the government of the oligarchy, and unable, from henceforth, to assemble its forces, to unite, or resume the administration of affairs: And, to this end, they prepared every thing, that was necessary for the war, and marched towards Rome with numerous armies: The Sabines, at the same time, making an irruption into that part of the Roman territories, that lay next to them, possessed themselves of a large booty; and, having killed great numbers of the husbandmen, incamped at ³ Eretum, a city situated near the river Tiber, at the distance of one hundred and seven stadia from Rome. On the other side,

³ Ἐρετῖον. So must we read the name of this town, notwithstanding the authority of Stephens, and even of the Vatican manuscript, both which have *εἰς Πρυμνῶν*, as Hudson has observed: For ² Livy says, in speaking of this incursion of the Sabines, *recepto ad Eretum quod passim vagatum erat, agmine, castra locant*. But here is a difficulty: Dionysius told us in the third book, chapter 32, that Eretum was

only 107 stadia from Rome, and here he says it is 140. ^b Cluver, I find, thinks the last number is corrupted, because *Eretum*, now ⁱ *Monte Ritondo*, is 13 Roman miles from Rome, or 107 stadia, which make only 375 paces more than 13 miles. Upon the authority, therefore, of Cluver, I have made this passage correspond with the other.

² E. iii. c. 38. ^b Ital. Antiq. B. ii. p. 668. ⁱ See the twenty seventh annot. on the third book.

the Aequi made an inroad into that part of the territories of the Tusculani, that was contiguous to their confines; and, having laid waste a large tract of it, placed their camp near the city of Algidum. When the decemvirs were informed of this irruption of their enemies, they were confounded; and, assembling the men of their own faction, consulted with them what measures they were to take: These were all of opinion that they ought to send an army into the enemies country, and not stay till their forces advanced to Rome itself: But they were in great doubt, first, whether they should arm all the Romans, even those, who were dissatisfied with their administration; and, secondly, whether they should make the levies in an overbearing, and rigorous manner, according to the practice both of the kings, and consuls, or with indulgence, and moderation: They were of opinion, also, that no small consideration was necessary to determine this point, who should authorize the war, and the levies; whether the senate, or the people; or neither, since they suspected both; but the decemvirs themselves: At last, after a long consultation, they concluded to assemble the senate, and prevail with them to vote for the war, and to allow them to make the levies: For, if both these were decreed by the senate, they imagined, first, that all would obey them, particularly since the tribunitian power was suppressed, which alone could legally oppose the orders of the magistrates; and, in the next place, that, if they obeyed the directions of the senate in any one point, and carried their orders into execution, they should
appear

appear to have received a legal commission to enter upon the war.

IV. After they had taken this resolution, and prepared their friends, and relations to deliver such opinions in the senate, as were calculated to promote their views, and to oppose those, who should not espouse the same sentiments, they went to the forum, and ordered the cryer to call over the names of the senators: But no man of worth answered. The cryer often repeating this, and none appearing but the flatterers of the oligarchy, and these the most profligate of their faction, every one who happened to be then in the forum, rejoiced that the decemvirs, who had never assembled the senate upon any account, found, the first time they attempted it, that there was ⁴still at Rome an assembly even of worthy men, who deserved to be consulted in all things relating to the public. The decemvirs, observing that the senators did not answer to their names, resolved to send to their houses, and summon them to attend; but, hearing the greatest part of these were left empty, they deferred the matter till the next day: In the mean time, they sent into the country, and called them from thence. The senate being full, Appius, the chief of the decemvirate, rose up, and informed them that Rome was attacked on two sides, by the Aequi, and the Sabines; the consequences of which he set forth in a very elaborate speech; and ended with pressing them to

⁴ E τ i. The reader will observe by my translation that I read ϵ i, instead of τ i; in which I think myself justified by what our author before told us,

viz. that *the greatest part* of the senators, disgusted at the government of the decemvirs, had retired into the country.

order

order levies to be made, and the armies to take the field immediately, since the juncture admitted of no delay. While he was speaking, Lucius Valerius, surnamed Potitus, rose up; a man, whose ancestors inspired him with exalted sentiments: For his father was that Valerius, who retook the capitol, when it was possessed by Herdonius the Sabine, and recovered the fortrefs, and he himself lost his life in the action; and his ^s grandfather by the father's side was Poplicola, who expelled the kings, and established the aristocracy. Appius, observing that he was going to speak, and expecting he would say something against him, "This is not your rank, Valerius, says he; neither does it become you, now, to speak: But, when these senators, who are older and more dignified than yourself, have delivered their opinions, then you also will be called upon, and may say what you think proper: In the mean time, be silent, and sit down." "Neither did I rise up, says Valerius, to speak to these points; but to others of greater moment, and far more necessary, which, I think, the senate ought first to hear; and, from what they will hear, they will be able to judge whether the subject, for which you have assembled us, is more necessary to the commonwealth, than That, which I shall lay before them. Consider that I am a senator, and that my name is Valerius; hinder me not, therefore, from speaking, when the object of it is the preservation of my country: But, if you persist in your usual arrogance

^s Παππος δε προς πατρός Ποπλικώας, ὁ τῆς βασιλείας ἐκέλευεν. See the first annotation on the seventh book.

“ to all men, what tribunes shall I call upon to assist
 “ me? For you have abolished this relief of the citizens
 “ against oppression; and what greater oppression can there
 “ be than this, that Valerius Potitus, like a man of the lowest
 “ rank, cannot enjoy a right common to all, but stands in
 “ need of the tribunitian power? However, since we are de-
 “ prived of this magistracy, I implore the assistance of you
 “ all, who, with this man, are invested with the power of
 “ that magistracy, and exercise a domination over the com-
 “ monwealth: I am not ignorant that I do this in vain;
 “ but my design is to lay open your conspiracy; to shew
 “ that you have thrown every thing into confusion, and that
 “ you have all the same intentions: But I chuse rather to
 “ call upon you alone, Quintus Fabius Vibulanus, you, who
 “ have been honoured with three consulships, if you still
 “ preserve the same sentiments: Rise up, therefore, and
 “ relieve the oppressed: For the senate fix their eyes upon
 “ you.”

V. After Valerius had said this, Fabius sat still through
 shame, and made him no answer. But Appius, and all
 the rest of the decemvirs, leaping from their seats, hin-
 dered Valerius from going on. Upon this, there was a
 great tumult in the senate, the greatest part of the sena-
 tors expressing their resentment at the behaviour of the
 decemvirs, and those of their faction justifying them; when
 Marcus Horatius, surnamed Barbatus, ⁶ the grandson of that

⁶ Απογονος Οράτιου τῆς συνυπαίτευσσας ὧς
 Πόπλιω Ουαλερίω Πόπλικωλα. The
 grandfather of this Marcus Horatius, was also Marcus Horatius, who, upon
 the death of Sp. Lucretius Tricipiti-
 nus, was the colleague of P. Valerius
 Horatius,

Horatius, who was consul with Publius Valerius Poplicola, after the expulsion of the kings, rose up ; he was a man of great personal bravery, and not uneloquent, and had been long a friend of Valerius ; who, unable to contain his resentment, said : “ You will the sooner force me, Appius, “ to break through all restraint by your want of moderation, “ and by acting the part of Tarquin, in not suffering those “ to speak, who are led to it by a desire to save their coun- “ try. Have you forgotten that there are descendants still left “ of that Valerius, who expelled tyranny, and successors of “ those Horatii, in whom it is hereditary to oppose, both “ with others, and alone, all, who would inflame their “ country ? Or do you imagine that both we, and the rest “ of the Romans, have so mean a spirit, as to be contented “ if we are suffered to enjoy life on any terms, and neither to “ speak, nor act in favor of liberty, and freedom of speech ? “ Or are you intoxicated with the greatness of your power ?

Poplicola in the year 245, the year after the expulsion of the kings : They were also colleagues in the year 247. Here we see the two worthy descendants of these consuls opposing the tyranny of the decemvirs with a spirit, which speaks that descent. We shall presently find them the great instruments in effecting that glorious revolution, by which the decemvirate was abolished, the tyrants punished, and the liberty of their country restored.

7. Καὶ μὲν τῶν ἄλλων, καὶ μόνους. I look upon the first words of this sentence to relate to Marcus Horatius,

the surviving champion of the three, who fought for the sovereignty of their country against the Curatii, from whom, as ^k our author says, Horatius Cocles was descended, who was also nephew to Marcus Horatius, one of the consuls at the time, when he defended the bridge *alone* : And this, in my opinion, is the circumstance, to which the last word in this passage alludes. These considerations seem necessary to characterize the speech of Horatius, and to shew that these words could be spoken by none but himself.

^kB. v. c. 23.

“ Who

“ Who are you, or what legal magistracy are you invested
 “ with, that you dare to deprive Valerius, or any other se-
 “ nator of the liberty of speaking? Were you not appointed
 “ to govern the commonwealth for a year? Is not the term
 “ of your magistracy expired? Are you not become private
 “ men by that law? Think of laying these things before
 “ the people: For, what should hinder any of us from as-
 “ sumbling them, and from charging you with exercising a
 “ power unwarranted by the laws? Take their votes upon
 “ this point, whether your decemvirate shall subsist, or, the
 “ usual magistracies be reestablished; and, if the people are
 “ so mad, as to submit to the former, reassume your ad-
 “ ministration; and, then, hinder any man from saying
 “ what he pleases in defence of his country: For, if the
 “ people give their sanction to these things, we shall deserve
 “ to suffer this, and a worse treatment, by living subject to
 “ you, and by fullying both our own virtues, and Those of
 “ our ancestors.”

VI. While he was yet speaking, the decemvirs surrounded him, crying out; urging the tribunitian power, and threatening to throw him down the Tarpeian rock, if he was not silent. Upon which, all called out that their liberty was taken away: And the senate was full of indignation, and confusion. When the decemvirs saw the senators were exasperated at their behaviour, they presently repented both of the obstruction they had given to the freedom of speech, and of their threats: Then Appius, rising up, desired those, who were raising disturbances, to have patience a moment; and,

having appeased the disorder, he said: “ We hinder none of
“ you, fathers, from speaking, provided you speak at a proper
“ time: But we hinder those, who are too forward, and rise
“ up before they are called upon. Be not, therefore, of-
“ fended: For we shall give leave to Horatius, and Valerius,
“ and to every other senator, to deliver his opinion in his own
“ rank, according to the ancient custom and order, provided
“ they speak to those points, that are the subject of your
“ deliberation, and to no others; but, if they endeavour to
“ seduce you by popular harangues, and to divide the com-
“ monwealth, without speaking to the subject in debate,
“ you shall then find, Marcus Horatius, that we are in pos-
“ session of a power to restrain the disorderly, which we
“ received from the people, when they invested us with the
“ magistracy both of the consuls, and tribunes; and that
“ the term of it is not yet expired, as you may think: For
“ we were not appointed for a year, or for any other limited
“ time; but till we had instituted the whole body of laws:
“ When, therefore, we have completed what we propose,
“ and established the remaining laws, we shall then resign
“ our magistracy, and give an account of our actions to any
“ of you who desire it: In the mean time, we shall suffer no
“ part either of the consular, or the tribunitian power to be
“ infringed. As to the war, I desire you will deliver your
“ opinions in what manner we may repulse our enemies with
“ the greatest celerity, and success; and that, in doing this,
“ the oldest senators, according to custom and decency, may
“ speak first; after them, those of a middle age; and, last
“ of all, the youngest.”

VII. Having said this, he first called upon his uncle, Caius Claudius, who, rising up, spoke in the following manner: "Since Appius, fathers, by a deference due to
 " our affinity, desires me to deliver my opinion first, and
 " that I am under an obligation to say what I think concerning the war with the Aequi, and Sabines, before I
 " acquaint you with my own sentiments, I would desire you
 " to inquire what hopes have induced the Aequi, and Sabines to dare to make war upon us, and to lay waste our
 " country; they who, till now, thought themselves happy,
 " and under great obligations to Heaven in being suffered
 " quietly to enjoy their own: For, if you once know what
 " those hopes are, you will also know what measures will
 " be the most effectual to deliver you from this war. Those
 " people then being informed that our constitution has, long
 " since, been shaken, and disordered, and that neither the
 " plebeians, nor the patricians are well affected to those, who
 " are at the head of the commonwealth (and, in this, their
 " information was not groundless, but really true, the causes
 " of which I need not explain to you, who are acquainted
 " with them) they concluded that, if any foreign war should
 " be brought upon us, while we are oppressed with these
 " domestic evils, and the magistrates should determine to
 " march out with an army in defence of the country, all
 " the citizens would not present themselves chearfully, as
 " before, to take the military oath, by reason of their disaffection to the magistrates; neither would these inflict the
 " punishments ordained by law upon those, who did not

“ present themselves, lest they should occasion some greater
 “ mischief; and that those, who did obey, and take arms,
 “ would either desert their ensigns, or, if they staid, volun-
 “ tarily misbehave themselves in every action. None of
 “ these hopes were ill grounded : For, when an united people
 “ enter upon a war, and both the governors, and the go-
 “ verned look upon their interests to be the same, they
 “ encounter terrors with alacrity, and decline no toil, nor
 “ danger : But, when disunited among themselves, they
 “ march against a foreign enemy, before they have composed
 “ their domestic troubles, and the army comes to consider
 “ that they are labouring not for their own advantages, but
 “ to secure the domination of others over them; and the
 “ generals reflect that their own forces are not less animated
 “ against them than the enemy, every thing is distempered,
 “ and any force sufficient to defeat, and destroy such armies.

VIII. “ These are the thoughts, fathers, both of the
 “ Sabines, and Aequi; in confidence of which they have
 “ made an irruption into our territories. And, if we, in
 “ resentment for their insolence, and contempt of us, suffer
 “ ourselves to be so far transported with our passion, as to re-
 “ solve to march out against them, I am afraid lest those things
 “ they have foreseen should happen to us; or rather I know
 “ they will happen. Whereas, if we establish those re-
 “ gulations, that are the first, and the most necessary (I
 “ mean the good order of the people, and that all may
 “ look upon their interests to be the same) by banishing
 “ the pride, and ambition that are now grown familiar
 “ to us, and by restoring the constitution to its ancient
 “ form,

“ form, these enemies, who are now so confident, will
 “ tremble; and, throwing down their arms, will soon
 “ come to us to indemnify us for our losses, and to treat of
 “ a peace; and we shall have it in our power, which all
 “ men of sense would wish, to put an end to this war with-
 “ out employing our arms. I am, therefore, of opinion
 “ that, for these reasons, we ought for the present to defer
 “ the consideration of the war, since our domestic affairs
 “ are in great disorder; and, instead of that, give leave to
 “ every one, who desires it, to propose the means of re-
 “ storing concord, and good order in the commonwealth:
 “ For, till this war broke out, we were never called upon
 “ by these magistrates to take the affairs of the common-
 “ wealth into consideration, nor had liberty to debate whe-
 “ ther any of them were ill conducted. That man, there-
 “ fore, would deserve great censure, who should let slip this
 “ opportunity, and employ it in speaking of other things:
 “ Neither can any one affirm with certainty, that, if we
 “ neglect this occasion as improper, we shall ever be able to
 “ find one that is more proper: For, if one may judge
 “ of the future by the past, it will be a long time before
 “ we shall meet again to consider of any one thing relating
 “ to the public.

IX. “ I desire this of you, Appius, and of your colleagues,
 “ who are at the head of the commonwealth, and under
 “ an obligation of consulting the advantage of the public,
 “ rather than your own interest, that, if I speak the truth
 “ with freedom, and do not flatter you, you will not for
 “ that reason be offended, when you consider that I
 “ shall

“ shall not speak with a design to abuse, and insult your
 “ magistracy, but to shew in how great a storm the com-
 “ monwealth is tossed, and to point out the road that leads
 “ to safety, and a redress of these grievances. It is, per-
 “ haps, incumbent upon all, who have any concern for
 “ their country, to plead for the advantages of it, particu-
 “ larly upon me: First, by reason of the honor I have re-
 “ ceived in being the first person, whose opinion is asked;
 “ and it would be a great shame, and folly for the man,
 “ who first rises up, not to mention those things, that require
 “ first to be reformed: In the next place, as I am, by the
 “ father’s side, uncle to Appius, who is at the head of the
 “ decemvirate, I have more reason than any one both to be
 “ pleased, when the commonwealth is governed by them in
 “ the best manner, and to be grieved, when it is not so.
 “ Besides these motives, I have inherited such political prin-
 “ ciples from my ancestors, as teach me to prefer the good
 “ of the public to my own private advantage, and to consider
 “ no personal danger; which principles I would not will-
 “ ingly betray: ^s This is the rule of life they delivered down
 “ to me, and I will endeavour not to dishonour the virtues
 “ of these men. As to the present form of government,
 “ there can be no stronger proof to convince you that it is
 “ bad, and that almost all ranks of men are dissatisfied with

^s. Οὗτοι δὲ παρεσκευασαν ταύτην εἶναι
 μοι τὰ βίβλιν προαιεσιν. Sylburgius, and
 Portus have attempted to restore this
 passage, which is plainly defective in
 all the editions, and manuscripts.
 Hudson has given us their amend-

ments: The learned reader will judge
 whether the two words I have added
 do not render the sense complete. I
 need not inform him that *exeran* in the
 next sentence does not always suppose
 a distant reference.

“ it, than this; all the former magistrates (which you alone
 “ cannot be ignorant of) abandon their paternal houses,
 “ and fly out of the city every day; the most considerable
 “ of the plebeians do the same, some removing, with their
 “ wives and children, to the neighbouring cities, and others
 “ to that part of the country, which is farthest from Rome;
 “ few even of the patricians live now in the city as they
 “ used to do, the greatest part of these also being retired to
 “ the country: But why should I say any thing of the others,
 “ when only a few even of the senators, and those such as
 “ are attached to you either by affinity, or friendship, remain
 “ within the walls? The rest look upon solitude to be more
 “ desirable than their country. This you were sensible of,
 “ when you thought it necessary to assemble the senate;
 “ they were then called up from their country seats one
 “ by one; they, with whom it was an established custom
 “ to watch over the safety of their country in conjunction
 “ with the magistrates, and to absent themselves from nothing
 “ that concerned the public. And do you think that men
 “ leave their country to fly from happiness, or misery?
 “ From misery I think. And what greater misery can there
 “ be to a commonwealth, particularly to That of the Ro-
 “ mans, which stands in need of a great number of national
 “ forces to preserve the sovereignty she exercises over her
 “ neighbours, than to be abandoned by the plebeians, and
 “ deserted by the patricians, without being oppressed with
 “ war, pestilence, or any other calamity inflicted by the
 “ hand of Heaven?

X. “ Would

X. “ Would you be informed of the reasons, that have
 “ compelled these men to abandon the temples, and sepulchres of their ancestors, to desert the houses, and possessions of their fathers, and to look upon every country
 “ as dearer to them than their own? For these things
 “ happen not without reason; this I shall inform you of
 “ without concealing any thing: Many censures are passed
 “ upon your government, Appius, by many people: Whether they are true, or false, I need not at present inquire;
 “ but such censures are passed: In a word, none but your
 “ own faction are friends to your administration. For the
 “ men of worth, descended from men of worth, who ought
 “ to enjoy the priesthood, the magistracies, and the other
 “ honors, which were enjoyed by their fathers, cannot bear
 “ to be deprived of these by you, and to lose the dignities
 “ of their ancestors: The men of middle rank, who have
 “ nothing in view but an undisturbed tranquillity, accuse
 “ you of rapine; and lament the insults you offer to their
 “ wives, and your drunken licentiousness to such of their
 “ daughters, as are marriageable; and many other grievous
 “ abuses: And the poorer sort of the people, who have no
 “ longer the power either of choosing magistrates, or of
 “ giving their votes upon any occasion; who are never
 “ called to hold their assemblies, or partake of any other
 “ instance of humanity, to which citizens are intitled, hate
 “ you upon all these accounts, and call your government a
 “ tyranny.

XI. “ How

XI. "How then shall you reform these things, and
 "silence the accusations of your fellow-citizens? For this
 "remains to be spoken to. The way to effect this, is for
 "you to procure an order from the senate, by virtue of
 "which you will restore to the people the power of deli-
 "berating whether consuls, tribunes, and the usual magi-
 "strates shall be reestablished, or the same form of govern-
 "ment continued: For, if all the Romans are content to
 "be governed by an oligarchy, and vote that you shall retain
 "the same power, your magistracy will be founded on law,
 "and not on violence: But, if they desire that consuls,
 "and all the former magistrates should again be chosen,
 "you will resign your power in a legal manner, and avoid
 "the imputation of governing your equals without their
 "consent; for this is tyrannical; but to receive power from
 "the consent of the governed, aristocratical. This is a
 "measure, of which, in my opinion, you ought to be the
 "author, and put an end to an oligarchy instituted by your-
 "self, Appius, which was, once, an advantage to us, but is,
 "now, a grievance. Hear then what you will gain by
 "following my advice, and by resigning this invidious
 "power: If all your colleagues are actuated with the same
 "sentiments, every one will think they owe their virtue to you,
 "who set the example; but, if they delight in the enjoyment
 "of their illegal power, every one will think themselves
 "obliged to you for being the only person, who desired to
 "act with justice; and will force the power out of the
 "hands of those who refuse to resign it, with ignominy, and

VOL. IV. M m " a severe

“ a severe chastisement: But, if you have entered into any
“ contracts, and given private assurances to one another
“ by calling the gods to attest them (for it is possible you
“ may have done something of this kind) look upon these
“ contracts, since they are formed against your fellow-
“ citizens, and your country, to be impious, if observed,
“ and pious, if transgressed: For the gods desire not to be
“ called upon to secure the performance of shameful, and
“ unjust contracts, but of Those, that are honourable, and just.

XII. “ However, if you are afraid to resign your magi-
“ stracy, lest your enemies should form some dangerous de-
“ signs against you, and you be compelled to give an account
“ of your actions, your fear is vain: For the Roman people
“ will be neither so mean spirited, nor so ungrateful, as to re-
“ member your faults, and forget your services; but will
“ ballance your present merits, with your past errors, and look
“ upon these as worthy of forgiveness, and those of praise.
“ You will, also, have the advantage of putting the people in
“ mind of the many great actions you performed before the
“ establishment of the oligarchy, of claiming the acknow-
“ ledgement due to them, as a means to assist, and save you,
“ and of defending yourself by various methods against these
“ accusations; as, that you yourself were not in fault, but
“ one of the others without your knowledge; that, as the
“ person, who committed the crime, was of equal authority
“ with yourself, you had no power to restrain him; and
“ that you were forced to submit to some things against
“ your will for the sake of others, which you thought useful.

“ I should

“ I should say a great deal, if I endeavoured to enumerate
 “ every thing you may alledge in your defence: Even those,
 “ who can make no defence, that is either just, or plausible,
 “ by acknowledging their crime, and begging pardon, soften
 “ the resentment of the injured; some, by laying the fault
 “ on the folly of youth; and others, on the conversation of
 “ wicked men; these, on the greatness of their power; and
 “ those, on fortune, that misleads all human considerations.
 “ If you resign your magistracy, I myself will undertake that
 “ all your faults shall be buried in oblivion, and that the
 “ people shall be reconciled to you upon such terms, as, in
 “ your unfortunate situation, will be honourable.

XIII. “ But I am afraid that the danger is not the real
 “ motive of your unwillingness to resign your power (for many
 “ men have resigned their tyrannies without being punished
 “ in any manner by their fellow-citizens) but that a vain
 “ ambition, which pursues the shadow of an honest glory,
 “ and a fondness for those pernicious pleasures, that accom-
 “ pany the lives of tyrants, are the true causes of this un-
 “ willingness: However, if, instead of pursuing the fancies,
 “ and shadows of honor, and glory, you desire to enjoy real
 “ honors, restore the aristocracy to your country, receive
 “ honors from your equals, and gain the admiration of
 “ posterity; and, in exchange for a mortal life, leave an
 “ immortal glory to your descendants: For these honors
 “ are lasting and real; they can never be taken from you,
 “ and afford pleasure without repentance: Transform
 “ your mind; take satisfaction in the advantages of your
 M m 2 “ country,

“ country, of which you will be looked upon as the chief
 “ cause, by delivering her from an insupportable domination;
 “ imitate the example of your ancestors upon this occasion,
 “ and consider that not one of those men aimed at despotic
 “ power, or suffered himself to be a slave to the infamous
 “ pleasures of the body : For which reasons, they were not
 “ only honoured while they lived, but, after their death,
 “ applauded by posterity ; and all acknowledge that they
 “ were the firmest guardians of that aristocracy, which Rome
 “ established after the expulsion of the kings. Neither
 “ ought you to forget the great glory both of the senti-
 “ ments you displayed, and of the actions you performed :
 “ For your views, when you first entered upon the admini-
 “ stration, deserved applause, and gave us great hopes of your
 “ virtue ; and we desire that the rest of your actions may
 “ correspond with those views. Return to your own dis-
 “ position, Appius, my child ; and, instead of the cause
 “ of tyranny, espouse That of the aristocracy ; fly from
 “ those flatterers, by whom you have been prevailed upon
 “ to deviate from your virtuous principles, and to wander
 “ from the right way : For it is not to be expected that a
 “ man can be restored to his virtue by the same persons,
 “ who first robbed him of it.

XIV. “ These things I have often desired to remonstrate
 “ to you in private ; to instruct you when you erred, and to
 “ reform you when you transgressed ; and, with this intention,
 “ I have been more than once at your house ; but your ⁹ ser-

⁹ Παιδείας. See the 128th annotation on the first book.

“ wants

“ wants sent me away, saying you were busy, and employed
 “ in things more necessary ; as if any thing could be more
 “ necessary than piety to your family : It may be they shut
 “ your doors against me of their own accord, and not by
 “ your orders ; and I wish it may be so : This has laid me
 “ under a necessity of declaring my sentiments to you in the
 “ senate, since I had no opportunity of doing it in private ;
 “ and whatever is honourable, and advantageous, Appius,
 “ may be always mentioned seasonably in public, rather than
 “ no where. Having now performed the duty I owe to
 “ our family, I call the gods to witness, whose temples, and
 “ altars we, who are the descendants of Appius, honour
 “ with common sacrifices ; and the genius’s of our ancestors,
 “ to whom we pay a secondary worship, and acknowledge-
 “ ment in common, and above all these, this land, that con-
 “ tains your father, and my brother, that I have employed
 “ both my mind, and my voice to give you the best advice ;
 “ and, now, desiring to reform your errors to the utmost of my
 “ power, I beg of you not to attempt the ¹⁰ cure of evils by
 “ evils ; not to lose even what you possess by aiming at more ;
 “ nor, by affecting to give law to your equals, and your

¹⁰ Μη τοις κακοις ιαθαι τα κακα. This is a kind of proverbial expression among the Greek writers. The first author, in whom I remember to have met with it, though probably not the first, who made use of it, is ¹ Herodotus, who makes the sister of Lycophron say to her brother, μη το κακον τω κατωιω. The ^m Greek Scholiast, in explaining

a similar passage of Thucydides, says that this proverb took its rise from Orestes, the son of Agamemnon, who cured the murder of his father by That of his mother : Την αρχαιαν παρ-
 ροιμιαν εξ Ορεστη τε Αγαμεμνονος βηθεισαν,
 οςις τον τε παλρος θανατον τω της μητρος
 φινω εβελχενυσε.

¹ In Thalia, c. 53.

^m B. v. c. 65.

“ superiors,

“superiors, to expose yourself to receive it from those, who
 “are inferior to you both in dignity, and virtue. I could
 “willingly say more to you upon this subject, and many
 “others, but shall decline it: For, if the gods lead you to
 “better resolutions, I have said more than was necessary;
 “but, if to worse, what I have still to say, will be said in
 “vain. You have now my opinion, fathers, and you, who
 “are at the head of the commonwealth, concerning the
 “means to put an end both to the war, and to the civil
 “disorders. If any one shall offer a better opinion, let the
 “best carry it.”

XV. After Claudius had spoken thus, and given the senate
 great reason to hope that the decenvirs would resign their
 power, Appius did not think fit to make him any answer;
 but Marcus Cornelius, one of the other members of the
 oligarchy, advancing, said: “We, Claudius, shall deliberate
 “concerning our own interests, without standing in need of
 “your advice: For we are of an age the best qualified for
 “prudence, so as to be ignorant of nothing that concerns
 “us; and want no friends to advise us, if necessary:
 “Cease then, old man, to do an unreasonable thing, in
 “giving advice to those, who do not want it; and, if you
 “desire to advise, or abuse Appius (which is the truer) when
 “you are out of the senate, abuse him. Now, give us your
 “thoughts concerning the war with the Aequi, and Sabines,
 “in regard to which you have been called upon to deliver
 “your opinion, and cease to talk idly of things, that have
 “no relation to it.” After him, Claudius rose up again,
 with

with grief in his looks, and tears in his eyes, and said :
 “ Appius does not even think me, who am his uncle, worthy
 “ of an answer, fathers, in your presence ; but, as he shut
 “ his own house against me, so he does every thing in his
 “ power to render the senate inaccessible to me ; and, if I
 “ must speak the truth, I am even expelled the city :
 “ For I can, no longer, bear the sight of a man, who is
 “ unworthy of his ancestors, and emulates tyrants in his
 “ excess. I shall, therefore, retire with my family, and
 “ effects, to the Sabines, and live at ¹¹ Regillum, from whence
 “ we derived our original, as long as these men continue in
 “ the possession of this worthy magistracy ; and, when the
 “ fate I foresee shall have overtaken the decemvirate, which
 “ will soon happen, I shall then return. So much con-
 “ cerning myself. As to the war, I give you this advice,
 “ fathers, to come to no resolution concerning any thing
 “ whatever, till the usual magistrates are appointed.” After
 he had said this, and received great applause from the senate
 for the generous spirit, and love of liberty, with which he
 had given his opinion, he sat down. After him, Lucius
 Quintius, surnamed Cincinnatus, Titus Quintius Capitolinus,
 Lucius Lucretius, and all the leading men of the senate
 rose up one after another, and supported the opinion of
 Claudius.

XVI. Appius, and his colleagues, being ruffled at this,
 resolved, no longer, to ask the advice of the senators according
 to their age, or their dignity in the senate, but according to

¹¹ Ρηγίλλον. See the thirty fifth annotation on the fifth book.

their friendship, and attachment to the decenvirs: And, with this view, Marcus Cornelius, advancing, called upon Lucius Cornelius his brother, who had been colleague to Quintus Fabius Vibulanus in his third consulship, a man of activity, and not uneloquent in political debates; this person, rising up, spoke as follows; “ Even this is wonderful, fathers, that
“ men of such an age as those are, who delivered their opi-
“ nions before me, and who pretend to be the principal
“ persons in the senate, retain an implacable enmity, derived
“ from political disputes, against the leading men of the
“ commonwealth, whom it is their duty to defend with all
“ their power, and to exhort the young men to engage with
“ the best intentions in contests, of which glory is the prize;
“ and to look upon those, who oppose them in order to pro-
“ cure advantages to the public, not as enemies, but as friends:
“ However, it is still more wonderful that they should transfer
“ their private animosities to the public affairs, and chuse
“ rather to perish with their enemies, than to be preserved
“ with all their friends. This is an excess of folly, and not
“ far from a Heaven-sent madness, which the leading men
“ of our senate have been guilty of: For these, being
“ displeased that others, who appeared more worthy at the
“ election, were preferred to them, when they stood can-
“ didates for the decemvirate, which they themselves now
“ inveigh against, declare an eternal, and irreconcilable
“ war against them, and are arrived to this pitch of folly,
“ or rather madness, that, in order to accuse these to
“ you, they resolve to subvert their whole country; who,
“ when

“ when they see our territories laid waste by the enemies, and
 “ that they are upon the point of coming even to our gates,
 “ as they are at no great distance from us, instead of ex-
 “ horting, and exciting the youth to fight for their country,
 “ and going themselves to her relief with all the alacrity,
 “ and earnestness, which their age, and strength will admit,
 “ they desire you will, at this juncture, consider of a form
 “ of government, create new magistrates, and do every thing
 “ rather than annoy the enemy; and even this they cannot
 “ see, that their opinions, or rather their wishes, are im-
 “ practicable.

XVII. “ For, consider the thing in this light; there must
 “ be a previous vote of the senate for the election of magi-
 “ strates; after that, the decemvirs must lay this resolution
 “ before the people, and appoint the third market day for
 “ the consideration of it: For how can any thing, that is
 “ voted by the people become really valid, if it is not trans-
 “ acted according to the laws? Then, after the tribes have
 “ given their votes, the new magistrates must take upon
 “ themselves the government of the commonwealth, and
 “ propose to you to consider of the war: In this interval
 “ between the appointment of the election, and the holding
 “ it, which will take up so much time, if our enemies march
 “ to the city, and approach the walls, what shall we do,
 “ Claudius? Shall we really say to them; Stay till we have
 “ appointed other magistrates? For Claudius advised us nei-
 “ ther to make a previous order of the senate upon any other
 “ account, nor to lay any thing before the people, nor to raise
 VOL. IV. N n “ forces,

“ forces, till we had settled every thing, that relates to the
“ election of magistrates according to our desire: Return,
“ therefore, and when you shall hear that the consuls, and
“ the other magistrates are appointed, and that we have
“ made all the necessary preparations to give you battle,
“ then come, and sue for peace, since you first injured us
“ without any provocation; and let an estimate be made of
“ all the damages you have caused to us in your several irrup-
“ tions, and pay us punctually the sum, that shall appear by
“ that means to be due to us: As to the murder of the
“ husbandmen, the insults, and abuses offered by your
“ soldiers to women of free condition, or any other irrepa-
“ rable mischief, we shall charge you nothing for them.
“ And they, no doubt, upon our offering them such con-
“ ditions, will use moderation; and, after they have suffered
“ us to chuse new magistrates, and to make preparations
“ for the war, will then come with olive branches in their
“ hands, instead of arms, and deliver up themselves to us?

XVIII. “ O the great folly of those men, who can en-
“ tertain such idle imaginations! And as great must be our
“ insensibility, if, while they are uttering such things, we
“ shew no displeasure, but submit to hear them, as if we
“ were consulting how to save our enemies, and not how
“ to save ourselves, and our country. Shall we not get rid
“ of these triflers? Not vote a speedy relief to the country,
“ that is laying waste? Not arm all the youth of Rome?
“ Not march ourselves against the cities of our enemies?
“ Or shall we stay at home, and employ our time in abusing
“ the

“ the decenvirs; in establishing new magistracies; in con-
 “ sidering a form of government, as if we were in peace;
 “ let every thing in the country become a prey to the enemy;
 “ and, at last, run the hazard of being enslaved ourselves,
 “ and of seeing our city laid in ruins, by suffering the war
 “ to approach our walls? Such counsels, fathers, cannot be
 “ given by men in their senses, nor dictated by sound policy,
 “ which always prefers the public good to private animos-
 “ ities; but by an unseasonable contentiousness, a thought-
 “ less enmity, and an unfortunate envy, which will not suffer
 “ those it has taken possession of, to judge rightly. However,
 “ let us take leave of these men, and of their animosities.
 “ I shall, now, endeavour to lay before you those resolutions,
 “ which, if you concur in them, will prove salutary to the
 “ commonwealth, becoming yourselves, and formidable to
 “ our enemies. Resolve, immediately, upon a war against
 “ the Aequi, and Sabines, and raise forces with the greatest
 “ alacrity, and expedition, to be employed against both:
 “ And, after the war shall be terminated in the happiest
 “ manner, a peace concluded, and our forces return-
 “ ed, then consider of the form of your government;
 “ call the decenvirs to an account for all their actions,
 “ during the time of their administration; create new
 “ magistrates; appoint judges, and honour with both these
 “ offices those, who are worthy of them, when both are in
 “ your power; and be assured that opportunities are not
 “ subservient to affairs, but affairs to opportunities.” Cor-
 nelius having delivered this opinion, those, who rose up after

him, except a few, declared in favor of it: Some looking upon these things as necessary, and suited to the present juncture; and others yielding to the times, and making their court to the decemvirs from a dread of their magistracy: For the greatest part of the senate stood in awe of their power.

XIX. After most of the senators had delivered their opinions, and those, who declared for the war, appeared to be much more numerous than the others, the decemvirs called upon Lucius Valerius among the last: He, as I said, had offered to speak in the beginning of the debate, but had been hindered by them: And now rising up, he spoke as follows: “ You see, fathers, the treachery of the decemvirs, “ who would not suffer me at first to say those things to “ you I had proposed, and now give me leave to speak “ among the last, with this view, as may be easily judged, “ that, if I adhere to the opinion of Claudius, I shall do no “ service to the commonwealth, because few have espoused “ it; and, if I deliver an opinion different from those they “ have proposed, how advantageous soever it may be, my “ reasons will appear an unavailing rhapsody: For those, “ who are to rise up after me, are not many; and, if they “ should all agree with me, what good shall I do, when their “ numbers will be vastly inferior to those, who vote with “ Cornelius? However, with all these things to fear, I shall “ not decline giving you my opinion: For, when you have “ heard all, you will have it in your power to chuse the best. “ Concerning, therefore, the decemvirate, and the manner “ in.

“ in which they govern the commonwealth, I desire you will
 “ think that every thing Claudius, the best of men, has said,
 “ to have been said by me also, and that you ought to create
 “ new magistrates, before you come to any resolution in
 “ respect to the war: For, all he said upon that subject was
 “ founded on the greatest reason. But, since Cornelius has
 “ endeavoured to shew that his opinion is impracticable, and
 “ that much time would be spent in this civil oeconomy,
 “ while the war is pressing; and attempted to ridicule
 “ things, that do not deserve to be ridiculed, and by that
 “ means seduced many of you to concur with him; I shall
 “ shew you that the opinion of Claudius is not impracticable
 “ (for, that it is unprofitable, none even of those who derided
 “ it, have dared to alledge) and let you see by what means
 “ the country may be secured; those, who have dared to lay it
 “ waste, punished, and we recover our ancient aristocracy;
 “ and how these things may be brought to pass with the con-
 “ currence of all the citizens, and without the least oppo-
 “ sition: In doing this, I shall not pretend to display any
 “ sort of wisdom, but produce your own actions, as examples
 “ for you to follow: For, when experience suggests what is
 “ useful, why should we have recourse to conjectures?

XX. “ You remember that numerous forces, sent from
 “ the same nations, made an inroad into our territories,
 “ and into those of our allies at the same time, and in the
 “ same manner, when Caius Nautius, and Lucius Minucius
 “ were consuls, about nine or ten years ago; and that, upon
 “ our sending a numerous, and brave youth against both
 “ these

“ these nations, one of the consuls being obliged to incamp
 “ in a streight, and disadvantageous post, could perform
 “ nothing, but was besieged in his camp, and in danger of
 “ being taken for want of provisions: While Nautius,
 “ being pressed by the Sabines, and under a necessity of
 “ ingaging with them continually, was not in a condition
 “ to relieve his colleague: Thus it was manifest that, if
 “ our army which was opposed to the Acqui, should be
 “ defeated, the other, that was carrying on the war against
 “ the Sabines, would not be able to maintain its ground,
 “ when both the armies of our enemies should be united.
 “ While the commonwealth was surrounded with such
 “ dangers, and even the city itself not free from dissension,
 “ what relief had you recourse to? You assembled in the
 “ senate about midnight, and came to a resolution, which
 “ all acknowledge to have been of great advantage to your
 “ affairs, and to have preserved the commonwealth from
 “ imminent ruin; you created a single magistracy with
 “ absolute authority both in war and peace, and abrogated
 “ all the others; and, before it was day, Lucius Quintius,
 “ that most worthy man, was appointed dictator, who was
 “ then in the country. You are acquainted with the actions,
 “ which this man performed soon after; that he raised a num-
 “ ber of forces sufficient to answer his design; that he deli-
 “ vered the camp, which was in danger; that he chastised
 “ the enemy, and took their general prisoner; and, having
 “ effected all these things within the compass of fourteen
 “ days only, and reformed every disorder of the common-
 “ wealth,

“ wealth, he laid down the rods: And nothing hindered you
 “ then from creating a new magistracy in one day, when
 “ you thought proper to do it. This example, therefore,
 “ I think you ought to imitate, since there is nothing else
 “ we can do, and chuse a dictator before you go out of this
 “ place: For, if we lose this opportunity, the decemvirs
 “ will never assemble us again, to deliberate upon any thing:
 “ And, in order to render the appointment of a dictator
 “ regular, create an interrex, and chuse the person you shall
 “ think the most proper to execute that office. This is no
 “ unusual thing, when you have neither kings, consuls, nor
 “ any other legal magistrates; which is the case at present:
 “ Since the term, for which these men received their magi-
 “ stracy, is expired, and the law has taken their rods from
 “ them. This is the advice I give you, fathers, which is
 “ both advantageous, and practicable: Whereas That of
 “ Cornelius tends manifestly to the subversion of your aristo-
 “ cracy: Since, if the decemvirs are once trusted with arms
 “ under the pretence of this war, I am afraid they will
 “ make use of them against ourselves: For will those,
 “ who refuse to lay down their rods, lay down their arms?
 “ Consider, therefore, what I have said; beware of these
 “ men, and foresee all the effects of their treachery: For
 “ foresight is better than repentance; and it shews more
 “ prudence not to trust wicked men, than to accuse them
 “ after they have betrayed you.”

XXI. This opinion of Valerius pleased the majority of
 the senators, as it was easy to conclude both from their
 accla-

acclamations, and the concurrence of those, who spoke after him (for there were still some of the young senators left) and, except a few, declared their approbation of it. After they had all delivered their sentiments, and the debate was near a conclusion, Valerius desired the decemvirs might propose to the senate to resume the debate, and again call upon all the senators in their order: This was approved of by many of them, who desired to retract their former opinions: But Cornelius, who had advised the senate to give the command of the war to the decemvirs, strongly opposed this, saying that the affair was already decided, and legally determined, since every man had given his vote; and he insisted on counting the votes, and that no innovation should be admitted. These things being urged by both with great heat, and exclamations, and the senate dividing in favor of each, such as were desirous to reform the disorders of the government, adhered to Valerius, while those, who espoused the worst cause, and all, who suspected some danger from a change, supported Cornelius: The decemvirs took advantage of this disturbance to carry their point, and adopted the opinion of Cornelius; and Appius, one of their number, advancing, said: “ We assembled you, fathers, to consider
“ of the war with the Aequi, and the Sabines, and have
“ given all of you leave to speak, from the oldest to the
“ youngest, in your respective ranks; and there having been
“ three different opinions delivered by Claudius, Cornelius,
“ and, last of all, by Valerius, the rest of you have consider-
“ ed them, and every one has declared, in the hearing of
“ the

“ whole senate, to which of the three he gave his assent:
 “ Every thing, therefore, having been transacted according
 “ to the laws, and That of Cornelius having been approved
 “ of by the majority, we pronounce that his opinion carries
 “ it, and accordingly we shall order it to be drawn up, and
 “ published. Let Valerius, and his partisans, when they
 “ shall obtain the consular power, rehear, if they think fit,
 “ causes already determined, and annul resolutions passed
 “ by you all.” Having said this, and ordered the clerk to
 read the decree, by which the power of raising forces, and
 the command of the war was given to the decemvirs, he
 dismissed the senate.

XXII. After this, those of the oligarchical faction, appeared every where with pride, and insolence, as if they had gained a victory over their adversaries, and prevented a dissolution of their power by having the sword put into their hands: While the men of the best affections to the commonwealth were under great affliction, and consternation, looking upon themselves as deprived for ever of any share in the government: These split into many parties; those of the least resolute dispositions, thinking themselves obliged to abandon every thing to the conquerors, and join the oligarchical faction: And such, as were less timorous, deserting the care of the public in exchange for a quiet life: But those, whose minds were warmed with a generous spirit, employed themselves in collecting a number of their friends, and united in the design of defending one another, and of changing the form of government. The heads of this party were

Lucius Valerius, and Marcus Horatius, who had the resolution first to propose in the senate the abolition of the decemvirate: These secured both their houses with arms, and their persons with a strong guard of their servants, and clients, in such a manner as to have nothing to fear either from force, or fraud. On the other side, those persons, who were unwilling to court the power of the conquerors, and thought it unbecoming in them either to abandon all care of the public, or to lead an inactive life, and looked upon it as no easy matter openly to attack so great a power, the subversion of which they thought it a folly to expect, quitted the city. At the head of these was the illustrious Caius Claudius, uncle to the chief of the decemvirate, who by this step performed the promises he had made to his nephew in the senate, when he attempted in vain to prevail upon him to resign his power: He was followed by a great number of his friends, and clients. After his example, many other citizens also, not privately as before, or in small numbers, but openly, and in a body, abandoned their country, taking with them their wives, and children. Appius, and his colleagues, being enraged at this, endeavoured at first to stop them, by causing the gates to be shut, and some persons to be seized. Afterwards, being afraid lest those they attempted to stop, should have recourse to violence, and judging it rightly to be more for their interest that their enemies should be out of the way, than that they should stay to create disturbances, they opened the gates, and suffered all, who were willing, to depart. However, they treated them as deserters,

deferters, and confiscated, in appearance, their houses, and estates, and every thing else they could not carry away with them; but, in reality, they bestowed those confiscations on their friends, pretending they had purchased them of the public. These grievances, added to the former, greatly inflamed the animosity both of the patricians, and plebeians against the decemvirs. However, it is my opinion that, if they had not gone on in multiplying their crimes, they might have preserved their power a considerable time: For the sedition, which maintained that power, still continued in the city, and had been increased by many causes, and by a great length of time. To this it was owing that each of the two parties rejoiced in the other's miseries: The plebeians in seeing the spirit of the patricians humbled, and the senate deprived of every branch of their authority; and the patricians, in seeing the people stripped of their liberty, and without the least strength, since the decemvirs had taken from them the tribunitian power: But those men, by treating both parties with great arrogance, and by using neither moderation in the army, nor modesty in the city, forced them both to unite, and to abolish their magistracy as soon as the war put arms into their hands. The last crimes they were guilty of, and for which their power was subverted by the people, whom they had chiefly enraged by their abuses, were these:

XXIII. After they had procured a decree of the senate for the war, they presently raised forces; and, dividing them into three bodies, left one of these, which consisted of two

legions, to guard the city: This body was commanded by Appius Claudius, the chief of the oligarchy, and by Spurius Oppius. Quintus Fabius, Quintus Poetilius, and Manius Rabuleius marched with the second, in which there were three legions, against the Sabines. And Marcus Cornelius, Lucius Minucius, Marcus Sergius, Titus Antonius, and Caeso Duillius led the third body, which was composed of the five remaining legions, against the Aequi. The auxiliary troops both of the Latines, and their other allies joined them, being not fewer than Those of the Romans. But the decenvirs succeeded in nothing they undertook, notwithstanding the armies they commanded consisted of such numbers both of national, and auxiliary forces: For the enemies, despising their troops as composed of new raised men, incamped opposite to them; and, placing ambuscades in the roads, cut off their provisions, and attacked them when they went out for forage; and, whenever they came to an engagement, in which both the horse, and foot charged one another, they were always superior to the Romans, many of whom voluntarily misbehaved themselves in every action; disobeyed their officers, and refused to charge: That part of the army, therefore, that was opposed to the Sabines, grown wise by lesser evils, resolved to leave their camp of their own accord; and, decamping about midnight, withdrew from the enemy's territories to their own, making a retreat not unlike a flight, till they came to Crustumium, a city not far from Rome. But the other, that lay incamped on mount Algidus in the country of the Aequi, having suffered also very much from
the

the enemy, and still resolving to stand their ground in the midst of these dangers, in hopes of repairing the disadvantages they had sustained, were most miserably treated: For the enemy, having attacked their camp, and cleared the intrenchments of those, who defended them, forced their way into it; and, possessing themselves of their camp, killed a few who resisted, but slew many more in the pursuit: Those, who escaped from this rout, being most of them wounded, and having almost all lost their arms, went to the city of Tusculum; but the enemy took their tents, beasts of burden, money, slaves, and the rest of their military provisions: When the news of this defeat was brought to Rome, the enemies of the oligarchy, and those who before had concealed their hatred, discovered themselves now by rejoicing at the misfortunes of the generals; and both Horatius, and Valerius, who, as I said, were the leaders of the aristocratical party, had already a strong body of men at their command.

XXIV. In the mean time, Appius, and Spurius supplied their colleagues, who were in the field, with arms, money, corn, and every thing else they stood in need of, taking all these with a high hand whether they belonged to the public, or to private persons; and, lifting all the men in every tribe, who were able to bear arms, in order to replace those, who had been killed, they sent them to the army: So that, the centuries were all completed: They were also very careful in providing for the security of the city, by placing guards in the most advantageous posts, lest those, who had joined Valerius, should privately foment some disorders: After that,
they

they gave secret instructions to their colleagues in the army to put to death all, who opposed their measures; the men of distinction privately; and those of less consideration openly; using always some pretences to make them appear criminal. These instructions were pursued: For some of the former being sent for forage, others to convoy provisions, and others upon different military services, when once out of the camp, were never seen after: As to the common men, they were accused of having been the first, who turned their backs upon the enemy; of giving them secret intelligence, or of quitting their ranks; and put to death publicly, in order to strike terror into the rest. Two causes, therefore, contributed to the destruction of the soldiers; the friends of the oligarchy were slain by the enemy in different actions, and Those of the aristocracy, by the generals.

XXV. Many cruelties of this nature were also committed in the city by Appius, and his colleague. However, the generality of the people were less affected with the loss of others, though many were taken off: But the cruel, and wicked assassination of one man, who was the most distinguished of all the plebeians, and had performed the greatest exploits in war, executed in one of the camps, where the three generals commanded, disposed every one there to a revolt. The person assassinated was Siccus, who had fought the hundred and twenty battles, and been rewarded for his bravery in all; and who, as I said, when he was exempt from service by reason of his age, voluntarily engaged in the war against the Aequi, at the head of a band
of

of eight hundred men, who had also completed their term of service ordained by the laws, and followed him from their affection to his person; with whom being sent by one of the consuls to attack the enemy's camp, or rather to manifest destruction, as every one thought, he not only made himself master of their camp, but gave occasion to the consuls to obtain a complete victory: This man, who had made many speeches in the city against the conduct of the generals, who were then in the field, and accused them of the want both of courage, and experience, Appius, and his colleague resolved to destroy; and, to that end, invited him to friendly conversations, and to consult with them concerning the operations of the war, desiring him to give them his opinion by what means the errors of the generals might be corrected; and, at last, prevailed upon him to go to the camp at Crustumerium in quality of legate. This dignity is of all others the most honourable, and the most sacred among the Romans, and to it is annexed the power, and authority of a general, and the inviolable, and holy character of a priest. When he came to the camp, the generals received him with great marks of friendship; and, desiring him to stay there, and command in conjunction with them, and making him some presents, and promising others, this military man, indued with simplicity of manners, was deceived by these wicked dissemblers, and so far deluded by the magic of their professions, as not to see the snare, that was laid for him; and, among other counsels, which he thought advantageous to them, he first of all advised them to remove their camp from their own territories

territories to Those of the enemy, and laid before them both the inconveniences they then sustained, and the advantages they would gain, by removing their camp.

XXVI. The generals pretending to receive his advice with great satisfaction, “ Why then, said they, do you not
“ take upon yourself the command of the army, when they
“ decamp, and go before hand to view the ground, and chuse
“ an advantageous post? You are sufficiently acquainted
“ with the country by the many campaigns you have made
“ there, and we will give you a century of chosen youth armed
“ for expedition; you shall have a horse by reason of your
“ age, and armour becoming your dignity.” Siccius having
accepted the commission, and desired an hundred chosen light
armed men to attend him, they without delay sent him out
while it was night, and with him the hundred men, whom
they had picked out as the most daring of their faction, with
orders to kill the man, promising them great rewards for the
murder: These, when, at a great distance from the camp, they
came to a mountainous place, where the road was narrow,
and difficult for a horse to go any other pace than a walk, by
reason of the unevenness of the ground, gave the signal to one
another, and assembled with a design to return upon him in
a body: But a servant of Siccius, who was his shield bearer,
and a brave man, guessed at their design, and gave his master
notice of it: Siccius, seeing himself confined in a narrow
pass, where it was not possible for him to drive his horse full
speed, alighted; and, standing against the hill to avoid be-
ing furrounded by his assailants, he, without any other
assistance

assistance than that of his shield bearer, determined to receive their attack: They falling upon him all at once, he presently killed about fifteen of them, and wounded twice as many; and would have slain all the rest, if they had come to close fight with him; but they, convinced that he was a man not to be overcome, and that they could never vanquish him by engaging hand to hand, gave over this way of fighting; and, retiring farther off, threw javelins, stones, and sticks at him, and some, ascending the hills, that stood on each side, and getting above him, rolled down large stones upon him; till, by the number of the missile weapons, that were thrown by those before him, and the weight of the stones, that fell upon him from above, he fell dead. This was the end of Siccius.

XXVII. The assassins returned to the camp bringing their wounded with them, and spread a report that a party of the enemy having surprized them, had killed Siccius, and such of their company, as they first attacked; and that they themselves, after receiving many wounds, had escaped with great difficulty: This every one believed. However, their crime could not remain concealed; but, though committed in a solitude, and no information could be given of it, yet, by fate itself, and that justice, which inspects all human actions, undoubted proofs appeared to convict them: For the soldiers in the camp, looking upon the man to deserve not only a public funeral, but also distinguished honors for many reasons, but particularly because, though he was a person in years, and exempted by his age from the service, he

had voluntarily thrown himself into danger for the public good, resolved unanimously that a detachment from the three legions should go out in search of his body, to the end it might be brought to the camp with great security, and honor; and, the generals consenting to this for fear of creating some suspicion of their guilt by opposing a worthy, and becoming action, they took their arms, and went out of the camp. When they came to the spot, and saw neither woods, nor valleys, nor any other place proper to conceal an ambuscade, but a naked, and open hill on each side of the narrow pass, they presently suspected what had happened; then, approaching the dead bodies, and seeing Siccus himself, and all the rest lying unstripped, they wondered what should have induced the enemy, when victorious, to have taken away neither their arms, nor their clothes; and, when they examined every part round the place, and found no traces of horses, nor footsteps of men, besides Those in the road, they thought it impossible that the enemy should have presented themselves at once before their companions, as if they had wings, or fell from Heaven: But, besides these, and many other things, the most convincing proof that Siccus had been slain not by the enemy, but by his own men, was this; that not so much as one dead body of the former was to be found: For they could not conceive that Siccus, a man irresistible both by his strength, and valor, or his shield bearer, or those, who had been slain with him could have fallen unrevenged, particularly since they had fought hand to hand; this they observed by their wounds:

For

For both Siccius himself, and his shield bearer had many wounds, some by stones, others by javelins, and others by swords; whereas those, who had been slain by them, were all wounded by swords, and none by stones, javelins, or other missile weapons: This raised their resentment, and they all cried out, making great lamentations. After they had bewailed the calamity of this brave man, they took up his body; and, carrying it to the camp, threw out many invectives against their generals; and, above all things, they wanted to put the murderers to death by military violence; or, if that could not be done, to have judges presently appointed to try them, many offering themselves to be their accusers. The generals paid no regard to any thing they desired, but concealed the men, and put off the trial, telling them they should answer any accusations, when the army returned to Rome: Upon which, the soldiers, finding that the generals had been the authors of this assassination, buried Siccius in a most magnificent manner, and erected a large funeral pile, where every man, according to his power, presented the first offerings of every thing, that is usually employed in performing the last honors to brave men; but they were all alienated from the decemvirs, and resolved from that moment to revolt. Thus, the army, that lay incamped at Crustumium, and Fidenae, were, by the murder of Siccius the legate, irritated against the rulers of the commonwealth.

XXVIII. The other army, that lay on mount Algidus in the territories of the Aequi, as well as the whole body of the

people at Rome, became exasperated against them, for the following reasons: A plebeian, whose name was Lucius Virginius, a man inferior to none in military accomplishments, had the ¹² command of a century in one of the five legions, that were employed against the Aequi; this person had a daughter, called from her father, Virginia, who far surpassed all the Roman virgins in beauty, and was promised in marriage to Lucius, formerly a tribune, the ¹³ grandson of that Icilius, who first instituted, and was first invested with, the tribunitian power: Appius Claudius, the chief of the decemvirs, having seen this virgin, who was now marriageable, as she was reading in a school (for the schools stood at that time near the forum) he was presently captivated with her beauty, and the violence of his passion forcing him often to return to the school, his phrensy was, by this means, encreased. But, finding it impossible for him to marry her, both because she

^{12.} Λοχὸς τινὸς ἡγεμονίαν ἔχων ἐν τοῖς πεντεταγμῶσιν εἰσέβη. Whenever Portus (who certainly understood Greek extremely well) mistakes the sense of our author, le Jay never fails to adopt his mistake: This, if it happened but seldom, might, and ought to be attributed to accident: But, when it is never otherwise, it can be ascribed to nothing but to his translating him without any regard to the Greek text. Portus, through inadvertency, had rendered this passage, *quinque illis legionibus praefectus fuerat*; and his faithful follower has said, *estoit parvenu au commandement des cinq légions.* ⁿ Livy,

in speaking of the command of Virginius, says, *honestum ordinem in Algidio ducebat.*

^{13.} Τιμωρ. Sylburgius has very well observed that Lucius Icilius must have been the grandson, not the son of that Icilius, who was one of the first tribunes; since, from that time to the present year 305, there are no less than 44 years, and this Lucius is all along spoken of as a young man. This correction I have followed in the Greek text, and in my translation, have substituted *ἕνους* in the room of *ἡός*, which is the reading of all the editions, and manuscripts.

ⁿ B. iii. c. 44.

was promised to another, and because he himself was married; and looking upon it, at the same time, to be below him to marry into a plebeian family, and contrary to the law, which he himself had inserted among Those of the twelve tables, he first endeavoured to corrupt her with money; and, for that purpose, was continually sending some women to her governesses (for Virginia had lost her mother) and gave them much, and promised more. The women he sent to tempt the governesses, had orders not to acquaint them with the name of the man, who was in love with Virginia, but only that he was a person, who had it in his power to do good, and bad offices, to those he thought fit. When he found himself unable to gain the governesses, and saw the virgin guarded even with greater care than before, his passion was inflamed, and he resolved upon more audacious measures: Then, sending for Marcus Claudius, who was one of his clients, a daring man, and ready for any service, he acquainted him with his passion; and, having instructed him with what he would have him do, and say, he sent him away, accompanied with a band of the most profligate men. Claudius, going to the school, seized the virgin, and attempted to lead her away publicly through the forum; but, there being an outcry, and a great concourse of people, he was hindered from carrying the virgin to the place he had designed, and addressed himself to a magistrate; this was Appius, who was then sitting alone in the tribunal to hear causes, and administer justice to those, who applied for it: But, when Claudius was going to speak, the people, who

who stood round the tribunal, cried out, and expressed their indignation, and all desired he might stay till the relations of the virgin were present: And Appius ordered it should be so. In a short time, Publius Numitorius, uncle to Virginia by her mother, a man of distinction among the plebeians, appeared with many of his friends, and relations; and, not long after, came Lucius, to whom she had been promised by her father, accompanied with a strong body of young plebeians. He came to the tribunal out of breath, and ¹⁴ labouring for respiration, and desired to know who it was that had dared to lay hands upon a virgin, who was a Roman citizen, and what he meant by it.

XXIX. All being silent, Marcus Claudius, who had laid hold on Virginia, spoke as follows: “I have committed
“neither a rash, nor a violent action in relation to this
“virgin, Appius Claudius; but, as I am her master, I take
“her according to law. I shall now inform you by what
“means she is become mine; I have a female slave, who

¹⁴ Μετῴωτος το πνευμα. ° Horace has translated this Greek expression very happily in that fine ode, where, in speaking of Tydides, he says to Paris,

*Quem tu, cervus uti vallis in alterâ
Visum parte lupum graminis immemor,
Sublimi fugies mollis anhelitu.*

I wish the reader would accept this version, and give me leave to follow the example of the French translators, who have both agreed to leave out these words: They have said, *tout hors*

d'halcine, which very well explains *αδμαίνων*; but what becomes of *μετῴωτος το πνευμα*? They have avoided these words as religiously, as if there was some conjuration in them. It is certain I cannot translate this expression. But it is too late now to call out for quarter, after I have attempted the translation of so many difficult passages, rather than leave them out. If the reader dislikes my translation of this, I can assure him that he cannot dislike it more than I do.

° B. i. Ode 15.

“belonged

“ belonged to my father, and has served a great many years :
 “ This slave, being with child, was ingaged by the wife
 “ of Virginius ¹⁵ whom she was acquainted with, and used
 “ to visit, to give her the child she should be brought
 “ to bed of ; and, in performance of this promise, when
 “ delivered of this daughter, she pretended to us that she
 “ was brought to bed of a dead child, and gave the girl to
 “ Numitoria ; who, having no children, either male, or
 “ female, took the child ; and, ¹⁶ supposing it, brought it up :

¹⁵ Η Ουεργινίη γυνή συνελθὴ, καὶ εισοδίαν ἔσαν ἐποίησεν. M. * * * very justly censures le Jay for having suffered himself to be misled by Portus in rendering this passage. For my own part, I never censure le Jay for mistaking the Greek text, because it is plain that he never consulted it ; but here he has grossly mistaken the Latin of Portus ; and, by mistaking it, has invented an intrigue between the father of Claudius, and his slave, for which there is not the least foundation either in the Greek text (but that is out of the question) or in the Latin translation of Portus. The latter says, *quod ipsi esset familiaris, et cum ipsâ consuetudinem haberet*. These last words imposed upon le Jay, and gave him occasion to suppose this intrigue ; whereas, *ipsi* plainly relates to the wife of Virginius, and not to *patri*, as he has taken it ; since the father of Claudius is not mentioned either in the Greek text, or in the Latin of Portus : In the former, the slave is called *θεραπεινα παλαιή* ; and, in the latter, *paterna serva* ; and *consuetudinem haberet* is designed for a translation of *εισοδιαν*, as le Jay must

have known, if he had consulted, and understood, the Greek text : However, I shall do him the justice I have always done to transcribe his own words : *J'ay une esclave chez moy qui estoit autrefois à mon pere, et qui me sert depuis plusieurs années : elle eût l'avantage de lui plaire, et par le commerce qu'elle eût avec lui, elle en devint enceinte.*

¹⁶ ὑποελλαίαι. I hope the reader will allow me to translate this *supposed*, which I cannot do otherwise without a great circumlocution, nor properly with it. I own that I do not remember to have met with this word used in this sense as a verb in our language ; but we make use of the participle *supposed*, and of the adjective *supposititious*. I was surprised to find that the French translators did not employ this verb ; since *supposer un enfant* is certainly good French. If they had done this, le Jay needed not to have said *Numitorie la fit passer pour sa fille*, and *l'éleva avec le mesme soin que si elle en eust été la mere* : Nor M. * * * — *elle l'éleva avec autant de soin que si c'eût été la sienne* : which, by the way, are almost the same words with the former. They

“ For

“ For a long time, I was ignorant of all this ; but now being
 “ informed of it, and provided with many credible witnesses,
 “ and having also examined the slave, I fly to that law,
 “ which is common to all, and determines that the children
 “ shall belong to their mothers, not to those who suppose
 “ them ; that, if the mothers are free, the children shall be
 “ free ; if those are slaves, the children shall be slaves also ;
 “ and that both the children, and the mothers, shall have
 “ the same masters : In virtue of this law, I desire that I
 “ may take the daughter of my slave, and am ready to sub-
 “ mit my pretensions to a trial ; and, if any one claims her,
 “ to give sufficient sureties to produce her at the time ap-
 “ pointed ; but, if they desire to have this affair speedily
 “ determined, I am willing this minute to plead my cause
 “ before you, and shall neither give security for her ap-
 “ pearance, nor offer any thing that may create a delay.
 “ Let them chuse which of these two conditions they like
 “ best.”

XXX. After Claudius had said this, and added many
 intreaties that his claim might not be less regarded than
 That of his adversaries, because he was his client, and of
 mean birth ; the uncle of Virginia answered in few words,
 and those such, as were proper to be addressed to a magi-
 strate, saying, that Virginius, a plebeian, was the father of
 this girl, and then abroad in the service of his country ; that
 Numitoria, his own sister, a woman of virtue, and worth,

might have saved themselves this cir-
 cumlocution by saying *elle la supposa* :
 For I have read in the French law

books that *une femme qui a supposé un
 enfant, doit perdre son douaire.*

was

was her mother, who died not many years before; that the virgin herself had been educated in such a manner, as became a person of free condition, and a citizen of Rome; that she had been solemnly betrothed to Icilius, and that the marriage had taken effect, if the war with the Aequi had not intervened; that, during no less than fifteen years, Claudius had never attempted to aver any thing of this kind to the relations of Virginia; but that now the virgin was marriageable, and of distinguished beauty, he was charmed with it, and published an infamous calumny, contrived not indeed by himself, but by a man, who thought he had a right to gratify all his passions, by all the methods he could invent: He added that, as to the trial, the father himself would defend the cause of his daughter, when he returned from the campaign; and that, in the mean time, as he was her uncle, and ready to support her right, he himself claimed her person, to which he was intitled by the laws; and, in this, he insisted upon nothing that was either new, or not allowed to every Roman, if not to every other man, which is, that, if it is pretended that any person is a slave, not the man, who maintains that he is so, but he who asserts his liberty, shall have the custody of that person, till the decision of the contest: And he said that Appius was obliged, on many accounts, to observe this institution; first, because he had inserted ¹⁷ this very law with the rest in the twelve tables; and, in the next place, because he was

¹⁷ Τοῦ νόμου τούτου. This law will be our author has here given us the sense translated, when we come to Those of of it.
the twelve tables. In the mean time,

chief of the decemvirate; and, besides, that he was invested not only with the consular, but also with the tribunitian, power, the principal function of which was to relieve such of the citizens, as were weak, and destitute of all other help: He then desired him to compassionate a virgin, who fled to him for assistance, and who had long since lost her mother, and was then deprived of her father, and in danger of losing not only her paternal fortunes, but also her husband, her country, and, the greatest of all human blessings, her liberty. And, having lamented the abuse, to which the virgin would be delivered up, and, by that means, raised great compassion in all present, he, at last, spoke of the time to be appointed for the decision of this cause, and said: “ Since Claudius, “ who, during fifteen years, never complained of any injury, “ now desires it should be presently decided, any other “ person but myself, to whom the event was of so great consequence, would say that he was severely treated, and have “ great reason to express his indignation, and also to insist “ that, when the peace was made, and all, who are now in “ the army, were returned, he should then defend his cause, “ by reason that both parties would then have great numbers “ of witnesses, friends, and judges; and, in that case, his “ demand would become a citizen, be full of moderation, “ and agreeable to the Roman constitution: But we, says “ he, stand in need of none of these reasons; we want “ neither peace, nor a number of friends, and judges; “ neither do we put off the cause to the time appointed for “ such decisions; but, even in war, in a scarcity of friends, “ before

“ before judges not impartial, and without delay, we submit
 “ to defend ourselves, and desire only that you will grant
 “ us so much time, Appius, as will be sufficient for the
 “ father of the virgin to return from the army, to lament
 “ his own misfortunes, and plead his own cause.”

XXXI. Numitorius having said this, and the people, who stood round the tribunal, signifying by their applause that his demand was just, Appius, after a short pause, said: “ I
 “ am not ignorant of the law concerning bailing those, who
 “ are claimed as slaves, which does not suffer their persons
 “ to continue in the power of the claimants till the hearing
 “ of the cause; neither would I willingly break through a
 “ law, of which I myself am the author: For which reason,
 “ as there are two claimants, the master, and the father, I
 “ think it just that, if they were both present, the father
 “ should have the custody of her person till the hearing:
 “ But, since he is absent, let the master take her away,
 “ giving sufficient sureties to produce her before the magi-
 “ strate, when the father returns. I shall take great care,
 “ Numitorius, concerning the sureties, and the ¹⁸ sum they

¹⁸. Τὸ τιμήμαλος. The Latin translators have rendered this *de litis aestimatione*; and by them, both le Jay, and M. *** have been misled; the first has said, *l'estimation des dépens*; and the other, *de l'estimation du procès, ou de l'amende qu'il faudra imposer*. Τιμήμα, in this place, does not signify either *the costs*, or *a fine*; neither of which had any relation to the decree, which Appius had, just before, pro-

nounced. The word here plainly signifies the sum of money, in which the sureties were to be bound: This, and the sufficiency of the sureties to pay that sum, if they failed to produce Virginia, explains that part of the decree, where it is said ἐγγυητὰς ἀξιοχρεώας δοῦναι. P Our author, in speaking of the affair of Caeso, has himself explained what he means by τιμήμα in this place, viz. τὰ περὶ τὰ σωμάτων τῆς ἀποκαταστάσεως

“ are to be bound in, and also that you shall lose no advantage you are intitled to in the course of this cause ; now “ deliver up the virgin.” After Appius had pronounced this sentence, Virginia, and the women, who attended her, broke out into lamentations, and beat their breasts ; and all the people, who stood round the tribunal, cried out, and expressed their indignation : But Icilius, who was to marry her, caught her in his arms, and said : “ While I am alive “ at least, Appius, no man shall take away this virgin ; but, “ if you are resolved to violate the law, to confound our “ rights, and deprive us of our liberty, deny no longer the “ tyranny you are reproached with, but take off my head, “ and, after that, order this, and every other virgin, and “ matron to be carried away to any place you shall appoint ; “ to the end the Romans may, at last, be convinced that, from “ free men, they are transformed to slaves, and cease to entertain sentiments more elevated than their condition. What, “ therefore, do you stay for ? Why do you not pour out “ my blood before your tribunal in the presence of all the “ citizens ? But assure yourself that my death will prove “ to the Romans the source either of great miseries, or of “ great blessings.”

XXXII. He was going on, when the lictors, by order of the magistrate, kept him off from the tribunal, and commanded him to obey the sentence. Upon which, Claudius laid hold on the virgin, and was going to take her away, while she

ἀμολογηθῆναι χρεμάλα. The great care Appius told Numitorius that he would take of these two points, was a piece

of judge craft, calculated to soften the injustice of his decree.

hung

hung upon her uncle, and her spouse. The people, who stood round the tribunal, seeing her in so moving an agony, cried out all at once; and, without regarding the authority of the magistrate, fell upon those, who were endeavouring to force her away: So that, Claudius, fearing their violence, quitted Virginia, and fled for refuge under the feet of the decemvir. Appius, seeing all the people in a rage, was, at first, greatly disordered, and in doubt for a considerable time what measures to take; then calling Claudius to the tribunal, and speaking a few words to him, as it seemed, he made a sign for the audience to be silent, and said: “ Since I find
 “ you are exasperated at the sentence I have pronounced,
 “ citizens, I shall wave the exactness of that part of it, which
 “ relates to the giving sureties by Claudius for the appearance
 “ of Virginia; and, in order to gratify you, I have prevailed
 “ upon my client to consent that the relations of the virgin
 “ shall bail her till the arrival of her father: Take away the
 “ virgin, therefore, Numitorius, and acknowledge yourself
 “ bound for her appearance to morrow: For this time is
 “ sufficient for you both to give Virginus notice to day,
 “ and to bring him hither in three or four hours from the
 “ camp to morrow.” And they desiring further time, he gave no answer, but rose up, and ordered his seat to be taken away.

XXXIII. He left the forum full of anguish, distracted with love, and determined not to relinquish the virgin any more to her relations; but, when she was produced by her surety, to take her away by force; to place a stronger guard
 about

about his person, in order to prevent any violence from the multitude, and early to post a great number of his friends, and clients round the tribunal. That he might execute this resolution with a shew of justice under the pretence of the nonappearance of the father, he sent some horsemen, whom he chiefly confided in, to the camp with letters for Antonius, who commanded the legion, in which Virginius served, to desire he would detain the man in safe custody, lest, when he was informed of the situation of his daughter, he might escape out of the camp: But his design was ¹⁹ prevented by the son of Numitorius, and the brother of Icilius, who being sent away by the rest of her relations upon the first motion of this affair, as they were young, and full of spirit, rode full speed; and, arriving at the camp before the men sent by Appius, informed Virginius of every thing which had passed; who, going to Antonius, and concealing the true cause of his request, pretended that he had received an account of the death of some near relation, whose funeral, and burial he was obliged by the law to perform; and, by that means, obtained his dismissal; and, setting out in the ²⁰ evening with the youths, he took a by road for fear of being pursued both from the camp, and the city; which really happened: For Antonius, having received the letters about the first

¹⁹ Εφθασαν δε αὐτον, etc. Nothing can be said with greater simplicity, and beauty than what ^a Livy says upon this occasion: *Improbum consilium serum, ut debuit, fuit.*

²⁰ Περὶ λυχνων ἀφας. Literally, at

the time of lighting up lamps. It is a very common thing with the ancient writers, particularly with Homer, to express the time of the day by the employment of it.

^a B. iii. c. 46.

watch, detached a party of horse after him, and others, sent from the city, patrolled all night in the road, that led from the camp to Rome. When Appius was informed of the unexpected arrival of Virginius, he was in a fury; and, going to the tribunal with a great number of attendants, ordered the relations of Virginia to appear. When they were come, Claudius repeated what he had said before, and desired Appius to decide the contest without delay, saying that both his informer, and his witnesses were present, and that he was ready to deliver up the slave herself to be examined: He ended all with a feigned lamentation, grounded on a supposed fear of not obtaining the same justice with others, as he had said before, because he was his client; and also with desiring that Appius would not relieve those, whose complaints were the most affecting, but, whose demands were the most equitable.

XXXIV. On the other side, the father of the virgin, and the rest of her relations, brought many just, and well-grounded proofs to shew the child could not have been supposed; alledging that the sister of Numitorius, and wife of Virginius, could have no probable reason to suppose a child, since she was then young, and married to a young man, and had brought forth a child no very considerable time after her marriage; neither, if she had been ever so desirous to introduce a foreign offspring into her own family, would she have taken the child of another person's slave, rather than That of a free woman united to her by consanguinity, or friendship, whose fidelity might have secured to her the possession

possession of the child she had taken; and, when she had it in her power to take either a male, or a female child, she would certainly have chosen the former: For, after a woman is brought to bed, if she wants children, she must necessarily be contented with, and bring up, whatever nature produces; whereas, a woman, who supposes a child, will in all probability chuse one of that sex, which excels the other: As to the informer, and the credible witnesses, which Claudius said he would produce in great numbers, they disproved their testimony by this reason drawn from probability, that Numitoria would never have done a thing openly, and in conjunction with witnesses of free condition, which required secrecy, and might have been transacted by one person; and, by that means, have exposed herself to have the girl taken from her by the master of the mother, after she had brought her up: The length of time also was no small proof, they said, that the claimant advanced nothing, that was well grounded: For it was not to be imagined that either the informer, or the witnesses would have kept this supposition of the child a secret during fifteen years, but would long before have disclosed it. After they had refuted the proofs of their adversaries, and shewn them to be neither true, nor probable, they desired that their own proofs might be weighed against them, and named many women, and those of no mean note, who, they said, knew that Numitoria was then with child by her shape: Besides these, they produced others, who, as relations, had been present at her labor, and delivery, and had seen the child brought into the world, and desired they might

might be examined: But, the clearest proof of all, which was attested by many both men and women, free people, and even slaves, they reserved for the last, and said that the child had been suckled by her mother; and that it was impossible a woman could have her breasts full of milk, if she had not been brought to bed.

XXXV. While they were alledging these reasons, and many others of equal weight, and such as could admit of no reply; and, at the same time, representing the calamities of the virgin in a very affecting manner, all who heard them, when they cast their eyes upon her, compassionated the distresses, in which her beauty had involved her (for, being dressed in mourning, her looks fixed on the ground, and the lustre of her eyes drowned in tears, she attracted the regard of all the spectators; such was her beauty, and such her grace, that she appeared more than mortal) and all bewailed this unexpected turn of fortune, when they considered from what prosperity she was fallen, and to what abuses, and insults she was going to be exposed: They also reflected that, since the law, which had secured their liberty, was violated, nothing could hinder their own wives, and daughters also from suffering the same treatment. While they were making these, and the like reflexions, and communicating them to one another, they could not refrain from tears. But Appius, who was not in his nature a man of sense, being then corrupted with the greatness of his power, his mind disordered, and his heart inflamed with the love of Virginia, paid no regard to the reasons alledged in her

favor, nor was moved with her tears, but even repented the compassion shewn to her by the audience; since he looked upon himself to deserve greater compassion, and to suffer greater torments from that beauty, which had enslaved him. Wrought up to madness, therefore, by all these incentives, he had the confidence both to make a shameless speech, by which he plainly confirmed the suspicion, that he himself had contrived the calumny against the virgin, and to commit a tyrannical, and cruel action.

XXXVI. For, while they were going on to plead in her favor, he commanded silence; and all being silent, and the people in the forum flocking to the tribunal from a desire to hear what he would say, he often turned his eyes here and there, to observe the number of his friends, who by his orders had posted themselves in different parts of the forum, and then spoke as follows: “ This is not the first time, Virginius, and you, who attend with him, that I have heard of this affair; I was “ informed of it long ago, even before I was invested with “ this magistracy. Hear now, by what means it came to my “ knowledge: The father of this Marcus Claudius, when “ he was dying, desired me to be trustee for his son, whom “ he was leaving an infant: For the Claudii are hereditary “ clients to our family. During the time of this trust, I “ had information given me that Numitoria had supposed “ this girl, whom she had received from the slave of Claudius; and, upon examining into the matter, I found it “ was so. As it did not become me to stir in this affair “ myself,

“ myself, I thought it best to leave it to this man, when he
 “ grew up, either to take away the girl if he thought fit,
 “ or to come to an accommodation with those, who had
 “ brought her up, for a sum of money, or to gratify them
 “ with the possession of her. Since that time, being engaged
 “ in public affairs, I gave myself no further concern about
 “ Those of Claudius: But it is probable that, when he was
 “ taking an account of his own fortunes, he also received
 “ the same information concerning this girl, which had
 “ before been given to me; neither does he claim any thing
 “ unwarranted by law, in desiring to take the daughter of his
 “ own slave: If they would have accommodated this matter,
 “ it had been well; but, since it is brought into litigation,
 “ I give this testimony in his favor, and decree him to be
 “ the master of the girl.”

XXXVII. When those, who were uncorrupted, and
 friends to justice, heard this sentence, they held up their
 hands to Heaven, and raised an outcry mixed with lamen-
 tation, and resentment: While the flatterers of the oligarchy
 gave acclamations capable of inspiring the men in power
 with confidence. And the assembly being inflamed, and
 full of various expressions, and agitations, Appius commanded
 silence, and said; “ Disturbers of the public tranquillity,
 “ and useless both in peace and war, if you cease not to
 “ divide the city, and to oppose us in the execution of our
 “ office, necessity shall teach you to submit. Think not
 “ that these guards in the capitol, and the fortrefs, are placed
 “ there by us only to secure the city against a foreign enemy,

“ and that we shall suffer you to sit here, and taint the
“ administration of the government. Be more prudent for
“ the future than you are now; depart all of you, who have
“ nothing to do here, and mind your own affairs, if you are
“ wife. And do you, Claudius, take the girl, and lead her
“ through the forum without fearing any one: For the
“ twelve axes of Appius shall attend you.” After he had
said this, the people withdrew from the forum sighing,
beating their foreheads, and unable to refrain from tears;
while Claudius was taking away the virgin, who hung round
her father, kissing him, and calling upon him with the most
indearing expressions. In this distress, Virginius resolved
upon an action, deplorable indeed, and afflicting for a father;
but, at the same time, becoming a lover of liberty, and a
man of great spirit: For, having desired leave to embrace
his daughter for the last time without molestation, and to say
what he thought fit to her in private before she was taken
from the forum, he obtained it of the magistrate; and his
enemies retiring a little, he held her in his arms, while she
was fainting, sinking to the ground, and scarce able to sup-
port herself; and, for some time, called upon her, kissed her,
and wiped off her tears that flowed without ceasing: Then,
drawing her on by degrees, when he came to a cook’s shop,
he snatched up a knife from the table, and plunged it in her
breast, saying only this: “ I send thee, child, to the manes
“ of thy ancestors with liberty, and innocence: For, if thou
“ hadst lived, that tyrant would not have suffered thee to
“ enjoy either.” An outcry being raised upon this, he held
the

the bloody knife in his hand; and, covered as he was with the blood of his daughter, he ran like a mad man through the city, and called the citizens to liberty. Then, forcing his way through the gates, he mounted a horse, that stood ready for him, and rode to the camp accompanied by "Icilius, and Numitorius, who had attended him from thence to the city. He was followed by many other plebeians: So that, in the whole, their number amounted to about four hundred.

XXXVIII. When Appius was acquainted with the catastrophe of the virgin, he leaped from his seat, and would have pursued Virginius, betraying great indecency both in his words, and actions: But his friends standing about him, and begging of him to refrain from all excess, he departed with his heart full of resentment against every man. When he came home, some of his people informed him that Icilius, the spouse of Virginia, and Numitorius her uncle, together with many of their friends, and relations, were standing round her body, using all sorts of invectives against him, and calling the people to liberty. Appius, enraged as he was, sent some of the lictors, with orders to carry those, who had clamoured against him, to prison, and to remove the body out of the forum: Which was an action of the greatest imprudence, and least of all suited to the present juncture: For, when he ought to have courted the people, who had a

21. Ικιλις. This was the brother of that Icilius, who was to have married Virginia: Which I mention, because the latter, who is called Ικιλιος ὁ κηδεστης, and Numitorius, Virginia's uncle, with their friends, and relations, were standing round her body.

just cause of resentment, by yielding to them for the present, and afterwards justifying some parts of his conduct, and begging pardon for others, and regaining their affection by some instances of favor, he suffered himself to be hurried on to violent measures, and drove them to despair: For they would not suffer the lictors either to remove the body, or to carry the men to prison; but, encouraging one another by their cries, they pushed, and struck them, when they attempted to use violence, and forced them to leave the forum: So that, Appius, hearing this, was obliged to go to the forum himself, accompanied with a great number of his friends, and clients, and to order them to fall upon every one they found in the streets, and compel them to depart. But Valerius, and Horatius, who, as I said, were at the head of those, who desired to recover their liberty, being informed of his design, brought with them a numerous body of brave youth, and placed themselves before the body: And, when Appius, and his people advanced, they, first, inveighed against, and abused, the power of the decemvirs; then, confirming their words by their actions, they struck, and threw to the ground all who durst attack them.

XXXIX. Appius, exasperated at this unexpected opposition, and not knowing how to subdue the authors of it, resolved upon the most pernicious of all measures: For, confiding in the continuance of the people's attachment to him, he went to the temple of Vulcan; and, assembling them in that place, he attempted to charge those persons with having treated him in an outrageous, and abusive manner; and

and flattered himself that, as he was invested with the tribunitian power, the people would espouse his resentment, and suffer them to be thrown down the Tarpeian rock. On the other side, Valerius, and his party, possessed themselves of another part of the forum; and, placing the body of the virgin where it might be seen by all, they held another assembly of the people, and laid themselves out in many invectives against Appius, and the rest of the oligarchical faction. And it happened, as it might well be expected, that, while some were invited thither by the dignity of the persons; others, by their compassion for the virgin, whose unfortunate beauty had drawn upon her such²² dreadful, and more than dreadful, disasters; and others, by the sole desire of seeing their ancient constitution restored, this assembly was more numerous than the other: So that, only a few, and those the abettors of the oligarchy, remained with Appius; among whom there were some, who adhered to it, no longer, for many reasons; and, if their adversaries gained strength, were ready to take arms against it. Appius, seeing himself deserted, was obliged to change his resolution, and leave the forum; which proved of the greatest advantage to him: For, if he had fallen into the

²² Δυνα και παρα δυνων. Casaubon has very justly observed that this is a tragical expression: But, if any event can justify an historian in the use of these expressions, this catastrophe of Virginia will justify our author: If this will not, custom will: For the best Greek historians often paint tra-

gical events in the affecting colours of poetry. But the misfortune is that a mere modern reader, who is unaccustomed to these pathetic strains, will think the author, or rather the translator, mad, when he renders them, as he ought, literally.

hands of the populace, he had met with the punishment he deserved. After that, Valerius, and his party, having all the opportunity they could desire, indulged themselves in declaiming against the oligarchy; and, by their harangues, determined those, who were yet unresolved: The relations of the virgin still encreased the disaffection of the citizens, by bringing her bier into the forum; by adorning her body with all possible magnificence, and carrying it through the most remarkable, and most conspicuous streets of the city: For the matrons, and virgins ran out of their houses, lamenting her misfortune, and some threw flowers upon the bier, some their girdles, or ribbands, others, their virgin toys, and others even cut off their curls, and cast them upon it: And many of the men, either purchasing ornaments in the neighbouring shops, or receiving them by the favor of the owners, contributed to the pomp by presents proper to the occasion: So that, the funeral was celebrated through the whole city; and all desired the subversion of the oligarchy: But the favourers of it, being armed, kept them in awe; and neither Valerius, nor his friends, were willing to decide the contest by shedding the blood of their fellow-citizens.

XL. The affairs of the city, therefore, were in this disorder. In the mean time, Virginius, who, as I said, had slain his daughter with his own hand, riding full speed, arrived at the camp on mount Algidus that evening, in the condition he had left Rome, all covered with blood, and holding the knife in his hand. When the guards, who were posted
before

before the camp, saw him, they could not imagine what had happened to the man; but attended him in expectation of hearing some great, and dreadful event. Virginius, for some time, went on weeping, and making signs to those he met to follow him; and the soldiers, who were then at supper, all ran out of their tents, as he passed by them, and with torches, and lamps, followed him on both sides, in suspense, and consternation. When he came to the open place in the camp, he stood upon a rising ground, so as to be seen by all, and related the misfortunes, which had befallen him, and called upon those, who came with him from the city, to attest the truth of his relation. When he saw great numbers of them lament, and shed tears, he had recourse to supplications, and intreaties, and conjured them not to suffer him to be unrevenged, or their country to be abused: While he was saying this, they all shewed a great desire to hear him, and encouraged him to go on. For which reason, he now declaimed against the oligarchy with greater confidence; and, having shewn that the decemvirs had deprived many men of their fortunes; caused many to be whipped; forced many innocent persons to leave their country; and enumerated their insults offered to matrons; their ravishments of marriageable virgins; their abuses of boys of free condition, and all their other excesses, and cruelties, he said: “ And thus are we insulted by those, “ who derive their power neither from law, the approbation “ of the senate, nor the consent of the people (for the term “ of their magistracy, that was confined to a year, after
VOL. IV. S s “ which

“ which they were to deliver up to others the administration
“ of affairs, is expired) but from the most violent of all
“ means, while they look upon us as so many women
“ without courage, or spirit. Let every one of you con-
“ sider both his own sufferings, and those of others; and,
“ if any of you, allured by them with pleasures, or gratifi-
“ cations, neither fear the oligarchy, nor apprehend that,
“ one day, these calamities will reach them as well as others,
“ let them reflect that tyrants are not to be trusted; and
“ that favors, and every thing of that nature, flow not from
“ the good will of the men in power; and let them change
“ their opinion. Join, therefore, all in the resolution to
“ free from these tyrants your country, in which are placed
“ both the temples of the gods, and the sepulchres of your
“ ancestors, whom you honour next to the gods; in which
“ are your aged fathers, who demand of you many ac-
“ knowledgements, and such, as the pains they have be-
“ stowed upon your education, deserve; and in which are
“ your lawful wives, and your marriageable daughters, who
“ require no small attention from their parents, together
“ with your sons, who have a natural right to continue
“ the race derived to them from their ancestors: For I say
“ nothing of your houses, your estates, and effects, which
“ have been acquired with great pains both by your fathers,
“ and yourselves; none of which you can securely enjoy
“ while you live under the tyranny of these decemvirs.

XLI. “ It is the part neither of prudent, nor brave men,
“ to acquire the possessions of others by their valor, and to
“ lose

“ lose their own by their cowardice ; neither does it become
 “ you to wage long, and incessant wars with the Aequi, the
 “ Volsci, the Sabines, and all the rest of your neighbours,
 “ for sovereignty, and dominion, and not to take arms
 “ against those, who govern you against law, when both
 “ your preservation, and your liberty are at stake. Is it
 “ possible, that you should not assume the spirit of your
 “ country? That you should not enter into a consideration
 “ worthy the virtue of your ancestors, who, because one
 “ woman was abused by a son of Tarquin, and, by reason
 “ of this calamity, put herself to death, resented this mis-
 “ fortune with so much warmth, and were so much ex-
 “ asperated at it, looking upon the abuse to be common to
 “ all, that they not only expelled Tarquin, but even abo-
 “ lished monarchy itself, and passed a law that, for the future,
 “ no man should govern the Romans with a perpetual, and
 “ uncontrollable authority ; and, binding themselves with
 “ the most solemn oaths to observe this law, they cursed
 “ their posterity, if ever they should violate it. They could
 “ not bear the tyrannical abuse of one licentious youth,
 “ committed upon one person of free condition ; and will
 “ you bear a many headed tyranny, that revels in all sorts of
 “ excess, and licentiousness, and will still encrease in both,
 “ if you now submit to it? I am not the only man, who
 “ had a daughter distinguished for her beauty, whom Appius
 “ openly attempted to force, and abuse, but many of you
 “ also have daughters, others, wives, and others, young sons
 “ remarkable for their beauty ; and what should hinder

“ these from being treated in the same manner by some
 “ other of the ten tyrants, or by Appius himself? Unless
 “ indeed some god should undertake that, if you suffer my
 “ calamities to go unrevenge, the same misfortunes will
 “ not fall upon many of you, but that this tyrannical lust
 “ will stop at my daughter, and grow chaste to all other
 “ youths, and virgins. Be assured that it is a great folly,
 “ and weakness to ²³ reflect that these things have happened,
 “ and then to say that they will not happen again: For the
 “ passions of tyrants are unlimited, as we may justly con-
 “ clude, since they are not to be checked either by law, or
 “ fear. Revenge, therefore, with justice the injury I have
 “ sustained; and, at the same time, secure yourselves from
 “ the like treatment; break your chains at last, O miserable
 “ men! and fix your eyes on liberty. What greater cause
 “ of resentment can you have than the present, when the
 “ tyrants take away the daughters of citizens, like slaves,
 “ and force them to their beds with stripes? At what junc-
 “ ture will you resume the spirit of free men, if you omit
 “ this, in which you have arms in your hands?”

²³ Τα γενομενα ταυτα νησαι, και ως
 εκ εσαι, λεγειν. This passage is allowed
 to be corrupted in all the editions, and
 manuscripts, where it stands thus, τα
 νημενα ταυτα ως etc. Casaubon has
 endeavoured to correct it by reading
 προειν, or το προειν μεν ταυτα. This,
 to be sure, makes some sense, at least,
 of the words; but, in my opinion, it
 is not the sense of our author; who

makes Virginius conclude from the
 misfortune, which had happened to
 his own daughter, that the same would
 happen to the daughters of others.
 The passage, therefore, must be re-
 stored in such a manner, that some
 words may express the past, as ως εκ
 εσαι expresses the future. The learned
 reader will chuse which of these cor-
 rections he likes best.

XLII. While he was yet speaking, most of the soldiers cried out, and promised to revenge him: Then, calling upon the centurions by name, they desired them to begin the work; and many of them presented themselves, and were not afraid to publish any ill treatment they had suffered. In the mean time, the five generals, who, as I said, had the command of the legions, fearing some attempt from the soldiers, ran all to the general's tent, and considered with their friends whether it might not be possible to appease the tumult by arming those of their own faction, and posting them round the tent: But, being informed that the soldiers were retired to their tents, and that the disturbance was ended, and appeased, and not knowing that the greatest part of the centurions had secretly conspired to revolt, and to unite in freeing their country, they resolved to seize Virginus, when it was day, as the author of this disorder, and to keep him in custody; and then to decamp, and, marching against the enemy, to post themselves in the best part of their country, and lay it waste; and not to suffer their men so much as to inquire, from that time, what was doing in the city, but to divert them from that inquiry, partly by the booty they would acquire, and partly by the continual battles, in which their own safety would be the sole object of their thoughts. But they succeeded in none of their designs: For the centurions would not suffer Virginus to go to the general's tent, when he was sent for, suspecting he might suffer some ill treatment; but, hearing accidentally that the generals had resolved to lead the troops against the enemy, they

they broke out into the following reproaches ; “ How successfully have you commanded us hitherto, that we should now also entertain any hopes of success in following you, who, after you had raised more forces both in Rome itself, and among our allies, than any other Roman generals, never gained any victory over the enemy, nor did them any damage, but only exposed your own want of valor, and experience, by incamping in disadvantageous posts ; and, by harassing your own country instead of That belonging to the enemy, you have impoverished us, and deprived us of all those advantages we used to acquire by our victories, when we were commanded by better generals ; and the enemy now erect trophies to perpetuate the memory of our defeats, and have seized, and still retain our tents, our slaves, our arms, and our money.”

XLIII. Virginius still indulging his resentment, and standing, no longer, in awe of the generals, inveighed against them with the greater confidence, calling them the bane, and scourge of their country, and exhorting all the centurions to seize the ensigns, and lead back the forces to Rome. But the greatest part of them were still afraid to remove these holy ensigns, and did not think it either consistent with religion, or safe for the whole army to desert their commanders, and generals : For the military oath, which the Romans observe with greater strictness than any other people, obliges them to follow their generals whithersoever they lead them ; and also the law gives power to the generals to put to death, without a trial, all who are disobedient,

dient, or desert their ensigns. Virginus, therefore, perceiving that these motives kept them in awe, told them that the law had dispensed with their oath, because it is necessary that the general, who commands the troops, should be legally appointed; and the power of the decemvirs was illegal, since the term of a year, for which they had been created, was expired; and that, to obey the orders of those, whose power was not supported by law, was not obedience, and piety, but folly, and madness. The men, hearing these representations, approved of them; and, after mutual exhortations, and receiving even some encouragement from Heaven, they seized the ensigns, and marched out of the camp: However, as it often happens among men of various dispositions, and when all have not the best intentions, some, both soldiers and centurions, stayed with the decemvirs, but these were greatly inferior in number to the others; who, after they had left the camp, marched the whole day, and arrived at Rome in the evening, no notice having been given of their arrival: For this reason, the inhabitants were under no small consternation, supposing an enemy was within their walls, which occasioned an outcry, and a disorderly concourse throughout the whole city. However, this tumult did not last long enough to produce any mischief: For, the soldiers, passing through the streets, called out that they were friends, and come to preserve the city: And indeed they confirmed their professions by their behaviour, in doing no injury to any person: Then, proceeding to the Aventine hill (which, of all those that are within the walls, is the most proper for a camp)

camp) they stood to their arms near the temple of Diana. The day after, they secured themselves by an intrenchment; and, having appointed ten tribunes, at the head of whom was Marcus Oppius, to take care of their common interests, they remained quiet.

XLIV. They were soon joined by the most eminent of the centurions belonging to the three legions, that lay at Fidenæ, who came to their assistance with a great number of forces: These had been long disaffected to their generals, for having caused Siccus to be assassinated, as I said: However, they were afraid to begin the revolt, because they looked upon the five legions, that lay at Algidus, to be attached to the decemvirs; but, as soon as they heard of their revolt, they cheerfully embraced the opportunity presented to them by fortune. These legions were also commanded by ten tribunes, who had been created during their march, the most considerable of whom was ²⁴Sextus Manilius. The troops, after their junction, incamped, and commissioned the twenty tribunes to ²⁵transact all affairs in the name of the rest: Out of these twenty, they appointed two persons,

²⁴· Σεξτος Μανίλιος. Thus, I think, we must read this name, because Livy says that M. Oppius, and Sextus Manilius were chosen to command these seceders: Though he makes them to have been chosen after the junction of their forces; and our author says that Manilius was first appointed commander by the troops from Fidenæ during their march, and

that he, and M. Oppius were afterwards chosen out of the twenty tribunes. I shall not repeat what I mentioned in the fortieth annotation on the sixth book from Livy, concerning the deputation sent by the senate to the forces, that lay incamped on mount Aventine.

²⁵· Λεγειν τε και περαιτειν. Literally, *to say and do*.

[†] B. iii. c. 51.

Marcus Oppius, and Sextus Manilius, who were the most considerable among them, to be their presidents: These formed a council consisting of all the centurions, and transacted all things in concurrence with them. Their intentions not being as yet generally known, Appius, who was conscious to himself of having given occasion to the present disturbance, and to all the evils, that were expected to result from it, did not think fit, any longer, to act in a public capacity, but staid at home: However, Spurius Oppius, who had been appointed to govern the city in conjunction with him, being himself also in a consternation at first, and expecting that their enemies would presently fall upon them, and were come to Rome with that intention, when he found they attempted nothing further, he laid aside his fears, and assembled the senate, sending officers to the houses of every senator with directions for them to attend. While these were coming to the house, the commanders of the army at Fidenæ arrived, full of indignation that both the camps had been abandoned by the soldiers, and endeavoured to persuade the senate to resent this desertion in the manner it deserved. When the senators were to deliver their opinions, Lucius Cornelius said that the soldiers, who were posted upon the Aventine hill, ought, that very day, to return to their own camps, and obey their generals; that no other persons be called in question for what had happened, but the authors of the revolt; that these ought to be punished by the generals; and that, if they refused to return, the senate should deliberate concerning them, as concerning

persons, who had abandoned their post, in which they had been placed by their generals, and violated their military oath. On the other side, Lucius Valerius ²⁶ * * * * *

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²⁶ It appears that we have lost many things by this untoward hiatus. The first, is the speech of Valerius in answer to the motion of Cornelius, and possibly some others on both sides of this important question. It seems probable by Livy, as the reader will observe presently, that the decemvirs had still so strong a party in the senate, as to prevent them from coming to any resolution in prejudice of their usurpation. This obliged the army, which was still incamped on the Aventine hill, to remove to the Holy mountain, after the example of their ancestors. All these, and the subsequent transactions to the consulship of Valerius and Horatius, with which our author begins the next chapter may be pretty well supplied out of Livy, whom I shall translate so far, to the intent that those, who do not read Latin, may have an uninterrupted thread of this revolution in the Roman government. The loss of the other part, I mean of That, which relates to the laws of the twelve tables, and to our author's reflexions

on them; and, above all, to the comparison we find he made between these laws, and Those of Greece, cannot possibly be, in any degree, repaired. All I can do, shall be done; but that is not much: It will consist of the collection of those laws as published by Fulvius Urfinus, which Hudson has also inserted from Sylburgius, at the end of his first volume. But, as these laws were written in the language then spoken by the Romans, and according to the orthography then in use among them, I have added, I had almost said, a version of them into such Latin as every one, who is acquainted with this language, will understand at first sight, which will be accompanied with a translation of those laws into English. I do not know that any thing of this kind has been attempted before; and, if the trouble, which this attempt has cost me, can recommend it to the reader, on that account at least, I may hope for his approbation of it. But I shall begin with translating that part of ³ Livy, which I before mentioned.

³ B. iii. c. 51.

[“ The fathers, solicitous for the safety of the commonwealth, assembled every day; yet spent the time in contests oftener than in deliberations. The assassination of Siccus, the
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the lust of Appius, and the disgraces in the field were objected to the decemvirs. The senate resolved to send Valerius, and Horatius to the Aventine hill. These refused to go unless the decemvirs would lay down the ensigns of that magistracy, which had expired the year before. But the decemvirs complained that they were reduced to the condition of private men, and said they would not resign their power, till those laws were enacted, for compiling which they had been created. The people, being informed by Marcus Duilius, who had been one of their tribunes, that thing was resolved upon by reason of these perpetual contests, went from the Aventine hill to the Holy mountain: Duilius assuring them that the senate would take no care of any thing till they saw the people abandoning the city: *That the Holy mountain would put them in mind of the steadiness of the people. They would then know that, without the restitution of the tribunitian power, concord could never be restored.* The army marched through the road Nomentana, which was then called Ficulnensis, and incamped on the Holy mountain; imitating the modesty of their ancestors by committing no sort of violence. The people followed the army, none, whose age allowed him to go, declining it. They were accompanied by their wives and children, who asked them, in moving accents, to whom they designed to abandon them in that city, in which neither modesty, nor liberty could be safe. When an unusual solitude had rendered every thing desolate at Rome, and none were to be seen in the forum but a few of the elder sort; and conse-

quently the fathers, when summoned to the senate, observed that place to be deserted, others, besides Horatius and Valerius, now called out, “What will you stay for, conscript fathers? If the decemvirs do not put an end to their obstinacy, will you suffer every thing to fall to pieces, and burst into flames? But, what is this dominion, decemvirs, that you are so tenacious of? Will you administer justice to houses and walls? Are you not ashamed that there should be almost a greater number of your lictors seen in the forum than of citizens, and others? What will you do, if our enemies approach the city? What if our own people should presently come armed, since their secession makes so small an impression on us? Do you desire that your dominion should end with the destruction of the city? It is certain that we must either not have a people, or have their tribunes. We shall sooner bear the want of patrician, than they of plebeian, magistrates. They extorted this new, this untried power from our ancestors; think not that, now they have once tasted the sweet of it, they will ever brook its absence; particularly, since we, on our side, do not abstain from those powers, that teach them how much they want a protection.” These things being thrown out on all sides, the decemvirs, overcome by the concurrent sense of the senate, said that, since this was their pleasure, they would be governed by them; they only requested, and advised that the senate would protect them from the resentment of the public; and not, by their blood, accustom the people to the punishment

ment of senators. Then Valerius, and Horatius were sent to bring back the people, and compose the present disturbances upon such terms, as they should think proper; and also ordered to provide for the security of the decemvirs against the resentment, and violence of the populace. When they arrived, they were received in the camp with great joy by the people, who looked upon them as their undoubted deliverers both in the beginning of the commotion, and in the event of it. For these reasons, at their arrival, thanks were given to them. Icilius spoke in the name of the rest. The same man, when the conditions came to be discussed, and the deputies desired to know the demands of the people, having, before their arrival, concerted his plan with the rest of the seceders, demanded such things, as made it apparent that greater confidence was placed by them in the equity of those demands, than in arms: For they redemanded the tribunitian power, and the right of appealing to the people (which had been their safeguards before the institution of the decemvirate) and that no person should be called in question for having excited either the soldiers, or the people to recover their liberty by the secession: The only severe demand they made related to the punishment of the decemvirs: For they insisted upon their being delivered up to them; and threatened to burn them alive. To these things the deputies made answer: “ That part of your demands, which
 “ flows from deliberation, is so reasonable, that we should
 “ have offered it to you of our own accord: For you desire
 “ such things, as are the supports of liberty, not of licenti-
 “ ousness

“ousness to annoy others. Your resentment deserves rather
“to be forgiven, than indulged; since you run into cruelty
“through the detestation of it; and, almost before you
“yourself are free, desire to domineer over your adversaries.
“Shall our commonwealth never be at rest from punish-
“ments inflicted either by the senate on the Roman people,
“or by the people on the senate? You stand in need of a
“shield, rather than of a sword. That man is at least suf-
“ficiently humbled, who lives in a state upon the same terms
“with others, without either doing, or suffering, injuries.
“Besides, if at any time you desire to render yourselves for-
“midable, let it be after the recovery of your magistracies,
“and your laws, when you will have the power of trying us
“for our lives and fortunes; then you will determine every
“cause according to its own merits: Now it is sufficient that
“your liberty is restored.” All giving leave to the deputies
to do as they thought proper, these promised soon to return
with a ratification of their desires. After they arrived at
Rome, and had laid the demands of the people before the
senate, all the decemvirs except Appius, finding that, con-
trary to their expectation, no mention was made of their
punishment, consented to every thing: He, who was fierce
in his nature, and the principal object of public resentment,
measuring the hatred of others to himself by his own to
them, said; “I am not ignorant of the fate, that hangs
“over my head. I find that the attack upon us is deferred
“till arms are delivered to our adversaries. Our blood
“must be offered up to public odium. However, even I
“myself shall make no delay in resigning the decemvirate.”

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The senate passed a decree that the decemvirs should forthwith abdicate their magistracy : That Marcus Papirius, the high priest, should appoint the tribunes ; and that no man should be questioned for the secession of the soldiers, and the people. After the decree was passed in these terms, and the senate dismissed, the decemvirs proceeded to the assembly of the people, where, to the great satisfaction of all men, they abdicated their magistracy. The account of these things was sent to the seceders. And all, who had been left in the city, attended the deputies. This multitude was met by another rejoicing multitude from the camp. They congratulated each other upon the restitution of liberty, and concord. The deputies spoke thus to the assembly : “ Return to your country, to your household gods, to your wives and children ; and may your return prove beneficial, auspicious, and fortunate to yourselves, and to the commonwealth. But bring with you to the city the same modesty you have observed here, where, in the consumption of so many things necessary to so great a multitude, no man’s land has suffered. Return to the Aventine hill, from whence you came. On that auspicious spot, where you laid the first foundations of your liberty, you shall create your tribunes. The high priest will be present to hold the comitia.” Every thing was approved of with a general concurrence, and alacrity. They took up their ensigns ; and, in their march to Rome, contended with those they met in their demonstrations of joy. They proceeded in silence through the city to the Aventine hill with their arms :

arms: Where, the comitia being held by the high priest, they immediately chose their tribunes; first of all Lucius Virginius, then Lucius Icilius, and Publius Numitorius the uncle of Virginia, who had been the authors of the secession; in the next place, Caius Sicinius, a descendant of that Sicinius, who, as it is recorded in history, was created the first tribune on the Holy mountain; and Marcus Duilius, who had signalized himself in the exercise of the tribuneship before the creation of the decemvirs, and had not been wanting to the people in their contests with them: After these, Marcus Titinius, Marcus Pomponius, Caius Apronius, Publius Villius, and Caius Oppius were chosen rather through expectation than merit. As soon as Lucius Icilius had entered upon his magistracy, he proposed a law, which the people enacted, that no person should be called to account for the secession from the decemvirs. Presently after, Marcus Duilius procured a law to be passed for the creation of consuls with an appeal from them to the people. All these things were transacted in an assembly of the people held in the Flaminian meadows, now called the *Circus Flaminius*.”]

Then follows the election of Lucius Valerius, and Marcus Horatius to the consulship, with which, as I said, our author begins the next chapter.

I, now, proceed to the laws of the twelve tables, which I shall transcribe from Fulvius Urfinus, rather than

from Hudson; because the former has exhibited them, as they were originally written, in capital letters, with a full point after each word; which ancient way of engraving inscriptions Hudson has thought fit to change to small characters with modern points.

LEGES DUODECIM TABULARUM.

The laws of the twelve tables.

DE JURE PRIVATO.

Of private right.

I. SEI. IN. IOVS. VOCAT. NEI. EAT. STATIM. ENCAPITO. ANTESTARIER.

1. *Si in jus vocat, ni eat statim, incipito antestari.*

1. If any one cites another to appear before a magistrate, and he does not go presently, let the other call witnesses.

2. SEI. CALVITOR. PEDEMVE. STRVIT. MANOM. EN. DO. IACITO.

2. *Si decipit, pedemve struit, manum injicito.*

2. If he endeavours to deceive, or to run away, let the plaintiff seize him.

3. SEI. IN. IOVS. VOCATO. MORBOS. AEVITASVE. VITIOM. ESCIT. QVEI. IN. IOVS. VOCASIT. IVMENTOM. DATO. SEI. NOLET. AR CERAM. NEI. STERNITO.

3. *Si in jus vocato morbus, aetasve vitium erit, qui in jus vocaverit, jumentum dato. Si nolet, arceram ne sternito.*

3. If the person cited is infirm, or old, let the person citing provide him with a cart. If he refuse it, let him not furnish him with a litter.

4. AERIS. CONFESI. REBOSQVE. IOVRE. IOVDIKATEIS. XXX. DIES. IOVSTEI. SVNTO. POSTIDEA. EN. DO. MANOS. IACTIO. ESTOD. IN. DV. IOVS. EDOVCITO. NEI. IOVDIKATOM. FACIT. AVT. QVIPS. EN. DO. EO. IM. IOVRE. VINDICIT. SECOM. DVCITO. VINCITO. AVT. NESVO. AVT. COMPEDEBOS. XV. PONDO. NEI. MAIOSE. AVT. SEI. VOLET. MINOSE. VINCITO. SEI. VOLET. SOVO.

VOL. IV.

VIVITO. NEI. SOVO. VIVEIT. QVEI. IM. VINCTOM. HABEBIT. LIBRAS. FARIS. EN. DO. DIES. DATO. SEI. VOLET. PLVVS. DATO. ENDOTERATIM. PACIO. ESTOD. NEI. CVM. EO. PACIT. LX. DIES. VINCTOM. HABETOD. EN. IEIS. DIEBOS. TERTIEIS. NONDINEIS. CONTINOEIS. IN. DV. COMITIOM. EN. DO. IOVRE. IM. PROCITATO. QVANTEIQVE. STLIS. AESTVMATA. SIET. PRAEDICATO. POSTIDEA. DE. KAPITE. ADEICTEI. POENAS. SVMITOD. AVT. SEI. VOLET. TRANS. TIBERIM. PEREGRE. VENOM. DATOD. AST. SEI. PLVSEBOS. ADEICTOS. SIET. TERTIEIS. NONDINEIS. PARTEIS. SECANTO. SEI. PLVVS. MINVSVE. SECVERINT. SE. FRAVDED. ESTOD.

4. *Aeris confessi rebusque jure judicatis triginta dies justi sunt. Postea manus injectio esto. In jus educito. Ni judicatum facit, aut quis in eo illum jure vindicat, secum ducito, vincito, aut nervo, aut compedibus quindecim pondo ne majore; aut si volet, minore vincito. Si volet, suo vivito. Ni suo vivit, qui eum vinctum habebit, libras farris indies dato. Si volet, plus dato. Interim pactio esto. Ni cum eo pagit, sexaginta dies vinctum habeto. In eis diebus tertiis nundinis continuis in comitium in jure cum procitato; quantique lis aestimata sit, praedicato. Postea de capite addicti pocnas sumito: Aut si volet, trans Tiberim peregre venum dato. Ast si pluribus addictus sit, tertiis nundinis partes secanto. Si plus minusve secuerint, sine fraude esto.*

4. Let thirty days grace be given to the debtor after the debt is confessed,

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and judgement given. After which, let him be arrested. Let the creditor bring him before the judge. If he does not comply with his order, nor is bailed by any one, let the creditor take him away, and bind him with a nerve, or fetters weighing no more than fifteen pounds, or, if he will, less. If the debtor pleases, let him maintain himself. If he does not maintain himself, let the person, who keeps him in bonds, give him a pound of spelt every day; if he thinks fit, let him give him more. In the mean time, let them agree. If the debtor does not agree with his creditor, let the latter keep him in bonds for sixty days. During these days, let his creditor cite him to appear in court three market days successively, and let him proclaim the sum, at which the debt, and costs are laid. After which, let him put the debtor to death; or, if he pleases, sell him for a slave to a foreign country, on the other side of the Tiber: But, if the debtor is delivered up to many creditors, let them, on the third market day, cut his body into several pieces. If they cut more, or less, let it be without prejudice.

5. SEI. QVEI. EN. DO. IOVRE. MANOM. CONSERONT. VTREIQVE. SOPERSTITEBOS. PRAESETEBOS. VINDICIAS. SUMVNTO.

5. *Si qui in iure manum conferunt, utrique superstitebus praesentibus vindicias sumunto.*

5. If any join issue, let both lay hold of the thing in contest in the presence of witnesses.

6. SEI. VECINEI. ENTER. SE. IORCASINT. ENTERA. QVINQVE. PEDEIS. OESOCAPIO. NEI. ESTOD. PRAETOR. ARBITROS. TREIS. DATO. EOROM. AR-

BITRIO. FINIOM. CONTROVERSIAS. COMPOSITO.

6. *Si vicini inter se iuraverint, intra quinque pedes usucapio ne esto: Praetor arbitros tres dato: Eorum arbitrio finium controversias composito.*

6. If neighbours have a contest with one another, let not prescription prevail with regard to the boundary of five feet lying between their lands: Let the praetor appoint three arbitrators; and compose the controversies concerning the limits, according to their report.

7. QVOI. TESTIMONIOM. DEFVERIT. IS. TERTIEIS. DIEBOS. OB. PORTOM. OFVACOLATOM. EITO.

7. *Cui testimonium defuerit, is tertiis diebus ad domum obvagatum ito.*

7. If a person has no witness to prove that his goods are in another man's house, let him go thither on the third day, and demand entrance with outcries to search for them.

8. TICNOM. IVNCTOM. AEDEBOS. VINIAEQVE. NEI. SOLVITO. QVEI. OLVD. IVNXSIT. DVPLIONE. LVITO.

8. *Tignum junctum aedibus vineaeque ne solvito. Qui illud junxit, duplione luito.*

8. Let no man pull down any part of a house, that is built joining to his own, or to his vineyard. Let the person, who erected it, pay double damages.

9. QVOM. NEXSOM. FACIET. MANCIPIOMQVE. VTEI. DINGVA. NVNCVPASIT. ITA. IOVS. ESTOD.

9. *Quum nexum faciet mancipiumque, ut lingua nuncuparit, ita jus esto.*

9. When any one shall warrant the title of any thing he sells, as the tongue pronounced the words, so let the law be.

10. PATERFAMILIAS. VTEL. SOPER. FAMILIA. PEQYNIAQVE. SOVA. LECA-SIT. ITA. IOVS. ESTOD.

10. *Paterfamilias uti super familiâ pecuniâque suâ legarit, ita jus esto.*

10. As the master of a family shall dispose of his slaves, and possessions by his will, so let the law be.

11. PATREI. EN. DO. FIDIO. VITAE. NECISQVE. POTESTAS. ESTOD. TER-QVE. IM. VENOM. DARIER. IOVS. ESTOD. SEI. PATER. FIDIOM. TER. VENOM. DVIT. FIDIOS. A. PATRE. LEBER. ESTOD.

11. *Patri in filio vitae necisque potestas esto: Terque illum venum dari jus esto. Si pater filium ter venum dederit, filius a patre liber esto.*

11. Let a father have the power of life and death over his son: Let it be lawful for the son to be sold for a slave three times. If the father shall sell his son three times, let the son be free from his father.

12. ASVORSOM. HOSTEM. AETERNA. AVCTORITAS. ESTOD.

12. *Adversus peregrinum aeterna auctoritas esto.*

12. Let the right of a citizen never be extinguished by the prescription of a foreigner.

13. SEI. QVIS. FOVSIOSVS. SIET. ACNATOROM. CENTILEOMQVE. EN. DO. EO. PEQYNIAQVE. EIVS. POTES-TAS. ESTOD.

13. *Si quis furiosus sit, agnatorum gentiliumque in eo pecuniâque ejus potestas esto.*

13. If any one is mad, let his relations by the father's side, and those of the same family have power over him, and his possessions.

14. SEI. QVIS. ALIENAS. ARBORES.

INIOVRIA. SECVESIT. XXV. AERIS. IN. DV. SINCOLAS. POENAE. SVNTO.

14. *Si quis alienas arbores injuriâ secuerit, viginti quinque librae aeris in singulas poenae funto.*

14. If any one shall cut the trees of another wrongfully, let the punishment be twenty five pounds of brass for every one.

15. QVEI. ALIENAS. AEDES. FRV-MENTEIVE. ACERVOM. IVXSTA. AE-DEIS. POSITOM. SCIENS. D. M. VSIT. VSERITVE. PRAETORIS. ARBITRATVV. VINCTOS. VERBERATOSQVE. ICNE. NECATOR. AST. SEI. IMPRVDENS. SE. D. M. DAMNOM. DVIT. NOXSIAM. SARCITO. AVT. PRAETORIS. ARBI-TRATVV. VIRCEIS. CAESOS. POENAM. LVITO.

15. *Qui alienas aedes, frumentive acervum juxta aedes positum sciens dolo malo ussit, usseritve, praetoris arbitratu vinctus verberatusque igne necator. Ast si imprudens sine dolo malo damnum dederit, noxiam sarcito, aut praetoris arbitratu virgis caesus poenam luit.*

15. Whoever has burned, or shall burn designedly, and maliciously, another's house, or a stack of corn standing near his house, let him be bound, and whipped at the discretion of the praetor, and burned. But, if he did the mischief undesignedly, and without malice, let him repair the damage, or be punished for it by being whipped at the discretion of the praetor.

16. CLANDEM. QVAE. DE. TVOD. IN. DV. ALIENOM. ACROM. CADIT. SE. FRAVDED. LECERE. LICETO.

16. *Glandem, quae de tuo in alienum agrum cadit, sine fraude legere liceto.*

16. Let it be lawful for thee to
U u 2 gather

gather up the fruit, that falls from a tree growing on thy land into the land of another, without molestation.

17. QVEI. NOX. FRUCEM. ARATRO. QVAESITAM. FORTIM. PAVESIT. SECUESITVE. SEI. POBES. SIET. CERERI. SACER. ESTOD. IMPOBES. PRAETORIS. ARBITRATVV. VERBERATOS. NOXSIAM. DVPLIONE. SARCITO.

17. *Qui noctu frugem aratro quaesitam furtim paverit, secueritve, si puber sit, Cereri sacer esto: Impuber praetoris arbitratu verberatus noxiam duplione sarcito.*

17. Whoever shall privately in the night feed, or cut grain raised by the plough, if a man grown, let him be consecrated to Ceres. If not arrived to manhood, let him be whipped at the discretion of the praetor, and repair the mischief by paying double damages.

18. SEI. QVADROPES. PAVPESIEM. FAXSIT. QVADROPEDIS. DOMINGS. NOXSIAM. SARCITOD. AVT. QVOD. NOXSIAM. NOCVIT. DARE. DAMNAS. ESTOD.

18. *Si quadrupes damnum fecerit, quadrupedis dominus noxiam sarcito; aut quod noxiam nocuit dare damnatus esto.*

18. If a quadruped shall do any damage, let the owner of the quadruped repair the damage; or let him be sentenced to deliver That, which caused the damage.

19. SEI. VIR. AVT. MOLIER. ALTER. ALTEREI. NONTIOM. MISEIT. DEVORSIOM. ESTOD. MOLIER. RES. SOVAS. SIBEI. HABETO. VIR. MOLIEREI. CLAVEIS. ADIMITOD. EXICITOQVE.

19. *Si vir aut mulier alter alteri nuntium miserit, divorcium esto: Mulier res suas sibi habeto; vir mulieri claves admitto ejiciteueq.*

19. If either the husband, or the wife shall send notice to the other, let this be a divorce: Let the wife have her own fortune to herself: Let the husband take away the keys from his wife, and turn her out of his house.

20. MOLIER. TERTIEIS. NOCTEBOS. OESORPATOM. EITO. NEI. ITA. OESORPASIT. AF. VIROD. OESOCAPITOR.

20. *Mulier tertiis noctibus usurpatum ito. Ni ita usurparit, a viro usucapitor.*

20. Let the wife go three nights to disturb the prescription. If she has not disturbed the prescription by this method, let her be possessed by her husband by prescription.

21. QVEI. REM. DE. QVA. CONTROVERSIA. SIET. IN. DV. SACROM. DEDICASIT. DVPLIONE. POENAM. LVITO.

21. *Qui rem de qua controversia sit, in sacrum dedicarit, duplione poenam luito.*

21. Whoever shall consecrate to religion any thing litigated, let him be punished by paying double the value of it.

22. PATRISFAMILIAS. QVEI. EN. DO. TESTATO. MORITOR. QVOIQVE. SOVOS. HERES. NEC. ESCIT. ACNATOS. PROXSV MOS. FAMILIAM. PEQVNIAMQVE. HABETO.

22. *Patrisfamilias, qui integro moritur, cuique suus heres nec erit, agnatus proximus familiam, pecuniamque habeto.*

22. When the master of a family dies intestate, and without heirs of his blood, let the next of kin by the father's side have his slaves, and possessions.

23. LEIBERTO. QVEI. EN. DO. TESTATO. MORITOR. QVOIQVE. SOVOS. HERES. NEC. ESCIT. PATRONOS. HERES. ESTOD.

23. *Liber to,*

23. *Liberto, qui intestatò moritur, cuique suus heres nec erit, patronus heres esto.*

23. When a freed man dies intestate, and without heirs of his blood, let his patron be his heir.

24. SEI. COHEREDES. PARTEM. REROM. SINCOLEI. SOVAM. HABERE. MALONT. FAMILIAE. ERCISCVNDAE. ARBITROM. SYMONTO. EIQVE. IOVS. ARBITRIOMQVE. REROM. PERMITTVNTO.

24. *Si coheredes partem rerum singuli suam habere malunt, familiae eriscendae arbitrum sumunto, eique jus arbitriumque rerum permittunto.*

24. If coheirs chuse to have each their own share of the inheritance, let them take an arbitrator for the division of it, and let them leave to him the right, and arbitration concerning the inheritance.

25. SEI. QVIS. PRODICOS. SIET. PRAETOR. EI. BONEIS. SOVEIS. EN. DO. TERDEICITO. EN. DO. QVE. EO. PEQYNIAQVE. EIVS. ACNATOROM. CENTILEOMQVE. POTESTAS. ESTOD.

25. *Si quis prodigus sit, praetor ei bonis suis interdicto; inque eo pecuniæque ejus agnatorum gentiliumque potestas esto.*

25. If any one is prodigal, let the praetor forbid him the use of his fortune; and let his relations by the father's side, and those of the same family have power over him, and his possessions.

26. SEI. QVIS. DOLEI. MALEI. CALPALVE. SVSPECTOS. EN. DO. TOTELA. SIET. EIVS. QVEI. VOLET. NOMEN. DEFERTO. VBEI. DETOLERIT. SEI. DOLEI. MALEI. ARCVESIT. PRAETOR. IM. CVM. FLACITIO. REMOVETOD. AST. SEI. TOVTOR. REM. POPILEI.

FORATOS. SIET. DVPLIONE. POENAM. LVITO.

26. *Si quis doli mali frandisæ suspectus in tutelâ sit, ejus qui volet nomen deferto. Ubi detulerit, si doli mali arguerit, praetor eum cum flagitio removeto. Ast si tutor rem pupilli furatus sit, duplione poenam luito.*

26. If any one is suspected of deceit, or fraud in a guardianship, let any person, who will, sue him: After he has sued him, if he proves him guilty of the deceit, let the praetor remove him with ignominy. But, if a guardian has robbed his ward, let him be punished by paying double damages.

27. SEI. QVIS. INIOVRIAM. ALTERI. FAXSIT. XXV. AERIS. POENAE. SYNTO.

27. *Si quis injuriam alteri fecerit, viginti quinque librae aeris poenae sunt.*

27. If any one shall do an injury to another, let the punishment be twenty five pounds of brass.

28. SEI. MEMBROM. RVPSIT. NEI. CVM. EO. PACIT. TALIO. ESTOD.

28. *Si membrum ruperit, ni cum eo pagit, talio esto.*

28. If a person shall break the limb of another, and does not agree with him, let retaliation take place.

29. QVEI. NOX. FORTOM. FAXSIT. SEI. IM. ALIQVIPS. OCISIT. IOVRE. CAESOS. ESTOD. SEI. LOVCI. FORTOM. FAXSIT. TELOQVE. SE. PRAEHENDIER. PROHIBESIT. SEI. IM. ALIQVIPS. OCISIT. IOVRE. CAESOS. ESTOD. AST. SEI. LOVCI. FORTOM. FAXSIT. NEQVE. TELO. SE. PRAEHENDIER. PROHIBESIT. SEI. LEBER. SIET. PRAETOR. IM. VERBERARIER. IOVBETOD. EIQVE. QVOI. FORTOM. FAXSIT. ADEICITO. SEI. SERVOS. SIET. VIRCEIS. CAESOS. EX. SAXSO. DEICITOR. SEI. IMPOBES. SIET.

PRAE-

PRÆTORIS. ARBITRATVV. VERBERATOS. NOXSIAM. SARCITO.

29. *Qui noctu furtum fecerit, si eum aliquis occiderit, jure caesus esto. Si luce furtum fecerit, teloque se prehendi prohibuerit, si eum aliquis occiderit, jure caesus esto: Sed si luce furtum fecerit, neque telo se prehendi prohibuerit, si liber sit, prætor eum verberari jubeto; eique cui furtum fecerit, addicito: Si servus sit, virgis caesus, ex saxo dejicitor. Si impuber sit, prætoris arbitratu verberatus noxiam sarcito.*

29. If a person shall rob in the night, and any one shall kill him, let his death be warranted by law. If he shall rob by day, and make use of a weapon to prevent his being apprehended, if any one shall kill him, let his death be warranted by law: But, if he shall rob by day, and not make use of a weapon to prevent his being apprehended, if he is a free man, let the prætor order him to be whipped; and deliver him over as a slave to the person he robbed: If he is a slave, let him be whipped, and cast down the Tarpeian rock. If he is not arrived to manhood, let him be whipped at the discretion of the prætor, and repair the damage.

30. FORTA. PER. LANCEM. LICITOMQVE. CONCEPTA. VTEI. MANIFESTA. VINDICATO.

30. *Furta per lancem liciumque concepta, ut manifesta, vindicato.*

30. Let him punish thefts, when the goods are found upon a search, in the same manner as if the thief had been taken in the fact.

31. STATOBEROM. VENOM. DARIER. LICETO. DVM. NEI. QVID. ASVORSOM. EIVS. STATOM. EVAT.

31. *Statu liberum venum dari liceto;*

dum ne quid adversum ejus statum fuerit.

31. Let it be lawful for that man to be sold for a slave, who is ordered by his master's will to be made free upon some condition not yet performed; provided nothing is done to disable him from performing that condition.

DE JURE PUBLICO.

Of public right.

1. REM. VBEI. PACONT. ORANTONEI. PACONT. ANTE. MEDIDIEM. EN. DO. COMITIO. AVT. EN. DO. FORO. CAUSAM. CONICIVNTO. POST. MEDIDIEM. PRÆSETED. AMBOBOS. LEITEM. ADEICITO. SOL. OCASOS. SOPREMA. TEMPLETAS. ESTOD.

1. *Rem ubi pagunt, cranto: Ni pagunt, ante meridiem in comitio, aut in foro causam agunt. Post meridiem, præsentibus ambobus, litem addicito. Sel occasus suprema tempestas esto.*

1. If the parties agree, let them pray judgement according to that agreement: If they do not agree, let them plead their cause before noon in the comitium, or in the forum. In the afternoon, let the prætor give judgement in the presence of both parties. Let the setting of the sun be the last hour.

2. ASIDVO. VINDEX. ASIDVOS. ESTOD. PROLETARIO. QVOI. QVEIVIS. VOLET. VINDEX. ESTOD.

2. *Assiduo vindex assiduus esto: Proletario cui quisvis volet, vindex esto.*

2. Let a rich man be bail for a rich man; and let any one, who will, be bail for a poor man.

3. QVEI. SE. SEIERIT. TESTARIER. LIBRIPENSVE. FVERIT. NEI. TESTIMONIOM.

NIOM. FARIATOR. IMPROBOS. INTES-
TABELISQUE. ESTOD.

5. *Qui se siverit testari, libripensve fuerit, ni testimonium fari velit, improbus intestabilisque esto.*

3. Whoever has suffered himself to be cited as a witness, or been a weigher of money, and refuses to give his testimony, let him be deemed a wicked man, and incapable of being a witness.

4. SEI. PATRONOS. CLIENTEI. FRAVDEM. FAXSIT. PATRONOS. CLIENTIS. DEIVEIS. SACER. ESTOD.

4. *Si patronus clienti fraudem fecerit, patronus clientis divus sacer esto.*

4. If a patron shall defraud his client, let the patron of such client be consecrated to the gods.

5. NEXSO. SOLVTOQUE. FORCTEI. SANATEIQUE. EIDEM. IOVS. ESTOD.

5. *Nexo solutoque, forcti sanatique idem jus esto.*

5. Let the debtor, who is in bondage, enjoy the same right with him, who is released; and the stranger, who returns to his duty, enjoy the same right with the Roman, who never fell from it.

6. PEQYNIAM. QVEI. NANCITOR. HABETO. SEI. QVID. PICNORIS. NANCITOR. SIBEI. HABETO.

6. *Pecuniam qui nanciscitur, habeto : Si quid pignoris nanciscitur, sibi habeto.*

6. If a person has acquired any possessions, let him have them : If he has acquired any pledge, let him have it to himself.

7. SEI. QVIS. OCENTASIT. CASMENVE. CONDVIT. QVOD. ALTERI. FLACITIOM. FAXSIT. KAPITAL. ESTOD.

7. *Si quis occentavit, carmenve condiderit, quod alteri flagitium fecerit, capital esto.*

7. If any one shall publish slander, or write verses to the defamation of another, let the offence be capital.

8. QVEI. PERDVELEM. CONCITASIT. QVEIVE. CEIVEM. PERDVELEI. TRANSDVIT. KAPITAL. ESTOD.

8. *Qui perduellem concitaverit, quive civem perduelli tradiderit, capital esto.*

8. Whoever shall excite an enemy to make war against the Romans, or deliver up a citizen to an enemy, let the offence be capital.

9. PREIVILECIA. NEI. IROCANTO. NEI. VE. DE. KAPITE. CEIVIS. NISEI. MAXSYMO. COMITIATVV. FERVNTO.

9. *Privilegia ne irroganto, neve de capite civis nisi maximo comitiatu ferunto.*

9. Let them enact no private laws, nor try a citizen for his life, otherwise than in the greatest comitiatus.

10. PATREBOS. CVM. PLEBED. CONVEIA. NEI. SVNTO.

10. *Patribus cum plebe connubia ne sunt.*

10. Let there be no intermarriages between the patricians, and the plebeians.

11. IOVSVS. POPLEI. SOFRACIAQUE. SVNTO. QVODCVOMQUE. POSTREMOM. POPLOS. IOVSIT. ID. IOVS. RATOMQUE. ESTOD.

11. *Fusus populi suffragiaque sunt. Quodcumque postremum populus jussit, id jus ratumque esto.*

11. Let there be a command, and suffrages of the people. Whatever the people shall command last, let that be law, and valid.

12. QVEI. IOVDIX. QVEIVE. ARBITER. IOVREDATOS. OB. REM. IOVDIKANDAM. PEQYNIAM. CEPET. KAPITAL. ESTOD.

12. *Qui judex, quive arbiter jure datus ob rem judicandam pecuniam ceperit, capital esto.*

12. If any judge, or arbitrator appointed by law shall take money for a judgement to be given, let the crime be capital.

13. QVEI. FALSOM. TESTIMONIOM. DIXSERIT. EX. SAXSO. DEICITOR.

13. *Qui falsum testimonium dixerit, ex saxo deicitor.*

13. If any one shall give a false testimony, let him be thrown down the Tarpeian rock.

14. QVEI. ADORAT. LECE. SEI. PLVVS. PETET. QVAM. IOVS. SIET. CAUSA. CADITO.

14. *Qui agit lege, si plus petet quam jus sit, causâ cadito.*

14. If a suitor prays for more than the law allows, let him lose his cause.

15. IOVRIS. IOVRANDI. AD. STRINCENDAM. FIDEM. MAXSVMA. VIS. ESTOD.

15. *Jurisjurandi ad stringendam fidem maxima vis esto.*

15. Let an oath be of the greatest force to insure credit.

16. QVEI. CALIM. EN. DO. VREE. NOX. COIT. COIVERIT. KAPITAL. ESTOD.

16. *Qui clam in urbe noctu coit, coiverit, capital esto.*

16. Whoever assembles, or shall assemble in the city privately in the night, let the crime be capital.

17. VNCIASIO. FOENOSE. NEI. QVIS. PLVVS. EXSERCEROD. SEI. QVIS. ALIVTA. FAXSIT. QVADRVPLIONE. POENAM. LVITO.

17. *Unciario foenore ne quis plus exerceto. Si quis aliter fecerit, quadruplione poenam luito.*

17. Let no man take more interest for money than one per cent. every month. If any one shall do otherwise,

let him be amerced in four times the sum.

18. SEI. QVIS. EX. LEIBERTATED. IN. DV. SERVITVTEM. ASERITOR. PRAETOR. SECVNDVM. LEIBERTATEM. VINDICIAS. DATOD. QVEI. VINDICIAS. TOLLIT. SPONSORES. IOVDICIO. SISTIER. DATOD.

18. *Si quis ex libertate in servitutem asseritur, praetor secundum libertatem vindicias dato. Qui vindicias tollit, sponsors iudicio fisti dato.*

18. If any one supposed to be free, is claimed as a slave, let the praetor decree the possession in favor of liberty: And let the man, who has obtained this decree for the possession, give sureties to produce the person at the trial.

19. AMBITOS. PARIETIS. SESTERTIOS. PES. ESTOD.

19. *Ambitus parietis sestertius pes esto.*

19. Let there be a space of two feet and a half round the outer wall of every house.

DE JURE SACRORUM.

Laws concerning religious rites.

1. PRAECO. FONVS. ENDEICITO. DOMINOS. FONERIS. EN. LVDEIS. ACENSO. LICTOREBOSQVE. OETITOR. EN. DO. FONERE. TRIBOS. RICINIEIS. RICA. PORFOREA. DECEMQUE. TIBICINEBOS. OETIER. LICETO. HOC. PLVVS. NEI. FACITO.

1. *Præco funus indicito. Dominus funeris in ludis accenso licitoribusque utitor. In funere tribus viciniis, ricâ purpureâ, decemque tibicinibus uti liceto. Hoc plus ne facito.*

1. Let the cryer proclaim the funeral. Let the master of the funeral, in

in the games, make use of a public officer, and listors. Let it be lawful for him to make use of three square mantles in the funeral, a purple fillet for the head, and ten players on the flute. Let him do no more than this.

2. SERVILIS. VNCTVRA. CIRCOMPOTATIOQVE. QVOM. FONVS. EXSEQUIANTOR. VINEL. VE. RESPERGIO. NEI. PVAT. ACERAS. SEPOLCREIS. AVT. LONGAS. KORONAS. NEI. EN. DO. PONITO.

2. *Servilis unctura, circumpotatioque, quum funus exequiantur, vinive respersio ne fiat. Acerras sepulchris, aut longas coronas ne imponito.*

2. Let not the body of a slave be anointed; let there be no drinking round a dead body, when they perform the funeral rites, nor sprinkling of wine. Let none place altars with perfumes, or festoons on the sepulchres.

3. MVRINAM. MORTVO. NEI. EN-DITO.

3. *Murinam mortuo ne indito.*

3. Let none pour wine mixed with precious ointment into dead bodies.

4. PLYSA. FONERA. VNEI. NEI. FACITO. NEI. VE. PLYSEIS. LECTOS. EN. DO. FERTO.

4. *Plura funera uni ne facito: Neve plures lectos inferto.*

4. Let none make more than one funeral for one person: Nor carry more than one bier in the funeral procession.

5. NEI. VE. AVSOM. ADVITO. AST. QVOI. AVSO. DENTEIS. VINCTEI. SIENT. IM. CVM. OLO. SEPELIRE. VRE-RE. VE. SE. FRAVDED. LICETO.

5. *Neve aurum addito: Sed cui auro dentes vincti sint, cum cum illo sepelire vrereve sine fraude liceto.*

5. Let none make use of gold in

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funerals: But, if the teeth of any person were fastened with gold, let none be impeached for burying, or burning him with that gold.

6. HOMINI. MORTVO. OSA. NEI. LECITO. QVO. POST. FONVS. FACIAT. EXSTRA. QVAM. SEI. QVIS. FORIS. MILITIAEQVE. MORTVOS. SIET.

6. *Homini mortuo ossa ne legito, quoposca funus faciat; extra quam si quis foris militiaeque mortuus sit.*

6. Let none gather up the bones of a dead body in order to make a funeral afterwards; unless the person died abroad, and in war.

7. HOMINEM. MORTVOM. EN. DO. VRBE. NEI. SEPELITO. NEI. VE. VRITO.

7. *Hominem mortuum in urbe ne sepelito, neve urito.*

7. Let none bury, or burn a dead body in the city.

8. ROCOM. ASCIA. NEI. POLITO.

8. *Rogum ascia ne polito.*

8. Let none polish the billets of a funeral pile with a plane.

9. ROCOM. BVSTOM. VE. NOVOM. PROPIVS. AEDEIS. ALIENAS. LX. PEDEIS. INVEITO. DOMINO. NEI. ADICITO. NEI. VE. FOROM. SEPOLCREI. BVSTOM. VE. OESOCAPITO.

9. *Rogum bustumve novum propius aedes alienas sexaginta pedes invito domino ne adjicito: Neve forum sepulchri bustumve usucapito.*

9. Let no one erect a funeral pile, or a new sepulchre, nearer to another's house than sixty feet, without leave of the owner: Neither let any one enjoy the porch of a sepulchre, or the sepulchre itself, by prescription.

10. QVOM. FONVS. EXFERTOR. NEI. ENCOMITIATO.

10. *Quum funus exfertur, ne incomitiato.*

X x

10. Whilst

10. Whilst the funeral is proceeding through the city, let not the comitia be held.

11. MOLIERES. FACIEM. NEI. CARPVNT. NEI. VE. CENAS. RADVNT. LESOM. FONERIS. NEC. HABENTO.

11. *Mulieres faciem ne carpunto ; neve genas radunto : Lessum funeris ergo nec habento.*

11. Let not women scratch their faces; nor tear their cheeks; nor use lamentations on account of a funeral.

12. HONORATOROM. VIROROM. LAVDES. EN. DO. CONTIONE. MEMORANTOR. EASQVE. NAENIAE. AD. TIBICINEM. PROSEQVNTOR.

12. *Honoratorum virorum laudes in concione memorantor ; easque naeniae ad tibicinem prosequuntor.*

12. Let the praises of honoured men be displayed in an assembly of the people; and let mournful songs, accompanied with a flute, attend those praises.

13. QVEI. KORONAM. PARET. IPSVS. PEQVNTIA. VE. EIVS. VIRTVTIS. DIDITOR. IPSEIQVE. MORTVO. PARENTIBVSQVE. EIVS. QVOM. ENTVS. POSITOS. EST. QVOMQVE. FORIS. EXPERTOR. IMPOSITA. SE. FRAVDED. ESTOD.

13. *Qui coronam paravit ipse, pecuniave ejus, virtutis ergo dator ei : Ipsique mortuo, et parenti ejus, quum intus*

positus est, quumque foris exfertur, imposita sine fraude esto.

13. If any one had obtained a crown himself, or his slaves, or horses for him, let it be given to him on account of his merit: And, after he is dead, let the crown be placed on his, and his father's head with impunity, as well whilst the body remains in the house, as when it is carried out to be buried.

There has been a great controversy among the learned concerning the sense of the last law. I have translated it according to That, which [†]Pliny has given to it; and, according to him also, I have said, in the law itself, *pecuniave*, instead of *pecuniaeve*; and *virtutis*, instead of *virtutisve*. By this means, the law becomes intelligible, which it was not before. I have, also, said in the law, *parentibusque*, instead of *parentalebosque*, and have rendered *parentibus*, by *parenti*, upon the authority of [‡]Cicero, who, in explaining this law, says, *et ejus parenti*.

The reader will find that, in translating these laws, I have given a sense to many passages in them, that may seem uncommon at first sight; but, if he pleases to consult the interpretations, which the civilians have given to these passages, I believe he will find my translation to be justified by them.

[†]Nat. Hist. B. xxi. c. 3.

[‡]De Legib. B. ii. c. 24.

* * * But it behooved me neither to make no mention of the Roman laws, which we find written in the twelve tables, since they are so venerable in themselves, and so far superior to Those of the Greeks, nor to extend the account of them further than was necessary.

XLV. After the subversion of the decemvirate, the first persons, who were invested with the consular dignity by the people in an assembly of the centuries, being, as I said, Lucius Valerius Potitus, and Marcus Horatius Barbatus, these magistrates, who were themselves of a popular disposition, and had inherited these principles from their ancestors, adhering to the promises they had made to the plebeians, when they persuaded them to lay down their arms, that, in their whole administration, they would consult the interest of the people, ²⁷ enacted several laws, in the assemblies by centuries, which I need not take any notice of, and with which the patricians were dissatisfied, though ashamed to oppose them, but particularly That, which ordains that the laws, passed by the people in their assemblies by tribes, should bind all the

²⁷ Νόμους ἐκυρώσαν—ἀλλῃς τε τινὰς ἄς & δεομαι γράφειν. These laws are set forth by ^w Livy, from whom I shall transcribe them. The first, after That already mentioned by our author, restored the appeal to the people from the magistrates, which the decemvirs had abolished, and made it capital for any person to create any magistrate without an appeal to them. *Ne quis ullum magistratum sine provocatione crearet: Qui creasset, eum jus fasque esset occidi: Neve ea caedes capitalis noxae haberetur.* So that, from this time, there lay an appeal to the people, even from the dictators. The second related to the renovation of an old law, mentioned by ^x our author, in virtue of which the persons of the tribunes were to be held sacred. The third law

was brought in by M. Duilius, one of the tribunes, and passed: By this it was enacted that, whoever left the people without their tribunes, and created a magistrate without an appeal to the people, should be whipped, and beheaded. ^y *M. Duilius deinde tribunus plebis plebem rogavit, plebsque scrivit; qui plebem sine tribunis reliquisset, quique magistratum sine provocatione creasset, tergo et capite puniretur.* Thus we see that the Romans were not only brave enough to bring about a revolution, by which tyranny was abolished, but also wise enough to assert their liberty in the plainest, and strongest terms, and to secure it at once with all the precautions, that wisdom could suggest, or a regard to themselves, and their posterity, inspire.

^w B. iii. c. 55.

^x See the sixth book, c. 89.

^y Livy, B. iii. c. 55.

Romans without distinction, and have the same force with Those, which should be passed in the assemblies by centuries : And the punishments appointed against such, as should abrogate, or transgress this law, if convicted thereof, were death, and the confiscation of their fortunes : This law put an end to the cavils made use of, before, by the patricians against the plebeians, when they refused obedience to the laws enacted by the latter, and would not allow, upon any account, that Those passed in the assemblies by tribes, were binding to the whole body of the commonwealth, but only to the plebeians ; but allowed that they themselves, as well as the rest of the citizens, were concluded by the resolutions of the assemblies by centuries. It was observed before that, in the assemblies by tribes, the plebeians, and the poorer sort were superior to the patricians ; but, in the assemblies by centuries, the patricians, though far less numerous, were superior to the plebeians.

XLVI. This law being enacted by the consuls, together with some others of a popular nature, immediately the tribunes, looking upon this as a proper time to punish Appius, and his colleagues, resolved to summon them to appear before the people, not all together, lest they might assist one another, but one by one : For they concluded that, by this means, they would the more easily be brought to justice. They considered which of them it was most proper to begin with, and determined to try Appius first, who was odious to the people on account both of his other crimes, and of the outrages he had lately been guilty of with regard to
Virginia :

Virginia: For they judged that, if they convicted him, they should easily get the better of the others; whereas, if they should begin with those of a lower rank, they imagined that the resentment of the citizens, which is always more violent in the first contests, would grow languid with regard to the most considerable men, if these should be tried last, which had often happened before. Having resolved upon this, they ordered the decemvirs to be secured; and appointed Virginus to be the accuser of Appius, without drawing lots. After that, Appius, being cited before the tribunal of the people to answer an accusation, exhibited against him in their assembly by Virginus, desired time to prepare himself for his defence; but, being committed to custody till he should be tried (for he was not allowed to be bailed) he was put to death in prison before the day appointed for his trial, as it was generally suspected, by order of the tribunes; but others, who desired to wipe off this aspersions, gave out that he ²⁸ hanged himself. After him, Spurius Oppius was brought before the people by Publius Numitorius, another of the tribunes; and, being allowed to make his defence, was unanimously condemned; sent to prison, and put to death the same day: The rest of the decemvirs punished themselves by a voluntary exile, before they were accused; and the quaestors confiscated the fortunes both of those who had been put to death, and of those who had fled.

²⁸. ἄνθρωπος ἑαυτὸν ἀναβήταμενος θένοντα. put himself to death: *Priusquam prodiebat dies adesset, Appius sibi mortem confecit.*
² Livy does not say how he died; but affirms, in so many words, that he

² B. iii. c. 58.

Marcus Claudius, who had attempted to take away Virginia, as his slave, was also accused by Icilius her spouse: However, by laying the fault on Appius, who had ordered him to commit that crime, he escaped death; but was condemned to perpetual banishment. As for the others, who had been the instruments of the decemvirs in any iniquitous action, none were brought to a public trial; but an impunity was granted to them all. Marcus Duilius, one of the tribunes, was the author of this measure, the citizens being already dissatisfied, and expecting to be treated like enemies.

XLVII. After the domestic troubles were appeased, the consuls assembled the senate, and procured a decree to be passed empowering them to lead out the forces immediately against the enemy; and the people having confirmed the decree of the senate, Valerius, one of the consuls, marched against the Aequi, and the Volsci, with one half of the army (for these two nations had joined their forces) and, knowing that the Aequi were elated with their former successes, and entertained a great contempt of the Roman army, he had a mind to increase their presumption, and confidence, by infusing into them a false opinion that he apprehended an engagement, and affected in his whole conduct the appearance of fear: For he placed his camp upon an eminence of difficult access; surrounded it with a deep ditch, and fortified it with high palisades; and, when the enemy provoked him to battle, which they often did, and reproached him with cowardice, he bore it with patience, and remained quiet: But, after he had received intelligence that their best forces were

were marched out to lay waste the territories of the Hernici, and the Latines, and that those left to guard the camp, were neither many in number, nor good troops, he thought this a proper opportunity to execute his design; and, leading out his army in order of battle, he advanced with an intent to engage; but none coming out to encounter him, he remained quiet that day: The day after, he led his army to their camp, which was not very strong. When the forces, that were before gone out to lay waste ²⁹ the country, heard that their camp was besieged, they appeared, though not in a body, and in good order, but scattered, and in small parties, every one coming up as he could: As soon as those in the camp saw their own men advancing, they took courage, and sallied out in a body. Upon this, a great battle ensued, and many fell on both sides: The Romans, gaining the victory, put to flight those, with whom they were engaged hand to hand; and, pursuing such as fled, killed some, and made others prisoners. After this victory, Valerius overrun the enemy's country with impunity, and laid it waste.

XLVIII. On the other side, Marcus Horatius, who had been sent against the Sabines, hearing of the exploits of his colleague, marched out of his camp also, and presently advanced with all his forces against the enemy, who were not inferior to him in number, and perfectly acquainted with

²⁹ Της χώρας. So we must read this, or της γης, instead of τῆς αἰτίας, which stands in all the editions, and manuscripts; because our author before told us that the forces of the enemy were gone out ἐπὶ προνομήν της

ἑνικῶν τε καὶ Λατίνων γῆς, and never mentioned any town they proposed to besiege: And if he had, he would never have called it αἶψα, but πόλιν; and even to this, ἐπὶ τὰς προνομίας, is, in no degree, applicable.

the art of war: For they all fought with spirit, and great boldness, the consequence of their former victories; and particularly their commander, who was not only a good general, but also a man of personal bravery: However, the Roman horse behaving themselves with distinguished courage, the consul obtained a most illustrious victory, killing many of the enemy, and taking more of them prisoners; he also made himself master of their camp, which they had abandoned, and in which he found all their baggage, and all the booty they had taken in their excursions into the territories of the Romans; and here he found, and recovered a great number of his own people, who had been taken prisoners: For the Sabines despised the Romans so far, that they had not sent away their booty before the battle. All the effects, therefore, of the Sabines he distributed among the soldiers, after he had selected such a part of them, as he designed to consecrate to the gods; and the booty, which had been taken from the Romans, he restored to the owners.

XLIX. Having performed these things, he returned to Rome with his army: And Valerius came thither at the same time: And both of them, being greatly elated with their victories, expected illustrious triumphs; but the event did not answer their expectations: For the senate assembling in order to defeat their views, while they lay incamped without the city in the field called the field of Mars, and being informed of the exploits of both, would not suffer them to perform the triumphal sacrifice: Many of the senators opposed their demand openly, and particularly Caius Claudius,

Claudius, the uncle, as I said, of Appius, who had established the oligarchy, and lately been put to death by the tribunes: He objected to them the laws they had enacted, by which they had weakened the power of the senate, and the other measures they had taken during the whole course of their magistracy; and, last of all, the death of some of the decemvirs, and the confiscation of the fortunes of others, whom they had betrayed to the tribunes, contrary to their oaths, and to the treaties: For he said that, by the convention entered into upon the victims between the patricians and the plebeians, all were intitled to an impunity, and to an amnesty for every thing that was past. To this he added that Appius had not fallen by his own hand, but by the treachery of the tribunes, who had taken him off before his trial, that he might not, when tried, obtain either leave to defend himself, or compassion; which, if he had been brought to his trial, would never have been refused to a man of his dignity, who had done many great services to the commonwealth, while he implored the faith of a treaty confirmed by oaths, in confidence of which mankind accommodate their differences, and presented himself, with his children, and relations before the people, whose pity his very habit of a suppliant, and many other circumstances could not have failed to excite. All these accusations having been thrown out against the consuls by Caius Claudius, the senators, who were present, concluded that they ought to content themselves with not being punished: But that they

had not the least pretence to a triumph, or to any other favors of that nature.

L. The senate having rejected the demand of a triumph, Valerius, and his colleague were full of resentment; and, looking upon themselves to be highly affronted, they assembled the people; and, after many invectives against the senate, they obtained the triumph from the former by a law, which the tribunes proposed in their favor, and ³⁰ were the

³⁰ Πρώτοι Ρωμαίων ἀπαίτων τῆς εἰση-
γρησάμενοι τοῦ ἐξου. Glareanus, and, after
him, M. * * *, without naming the
former, have observed that our author
contradicts himself here; because he
had said, before, that Servilius ob-
tained the honor of a triumph from
the people after the senate had refused
it. But this is a mistake in both those
authors: For Servilius did not obtain
his triumph, like Valerius and Hora-
tius, by virtue of a vote passed by the
people; but, as he says himself, he
derived the power of triumphing from
his own exploits, and the army, which
had served under him; ^a ἐφ' ἧ παρὰ τῶν
ἐκείνου πράξεων, καὶ τῶ συναγαγισταμένης
στρατιῆς ἐκείνου ἐκείνην τὴν πόλιν ἐξέσταν.
The people did not indeed contradict
him, and even attended his triumph,
but they passed no vote in favor of it.
These two cases, therefore, are very
different; and we find not only by our
author, but also by ^b Livy, that Va-
lerius and Horatius were the first per-
sons, who triumphed by the order of
the people, without the authority of
the senate: *Tum primum, sine auctori-
tate senatus, populi jussu triumphatum est.*

^a B. vi. c. 30.

I am not at all surpris'd that M. * * *
should think that our author contra-
dicts himself; because he has added to
the words quoted by me from the
sixth book those which follow, and
for which there is not the least au-
thority in the Greek text; *que ses belles
actions—l'autorisent à recevoir du peuple
les honneurs que le sénat lui a refusés.*
So that, it is not Dionysius, who con-
tradicts himself; but his translator,
who has misled himself. But the tri-
umph of these consuls is attended with
another difficulty, which must not be
passed over in silence. The *Festi Ca-
pitolini* make Valerius triumph on the
ides of the month Sextilis, that is, the
27th of the Julian August; and Ho-
ratius on the seventh of the kalends of
September, that is, the seventh of the
Julian September, in the year of Rome
304, according to that computation,
which is the 305th of Varro, and the
306th of our author, and of Cato:
The consequence of all this is, that,
according to the two first, they tri-
umphed during the third year of the
decemvirate, or more properly before
the expiration of it; in other words,

^b B. iii. c. 63.

first of all the Romans, who introduced this custom. This gave occasion to fresh disputes, and accusations urged

that the third year of the decemvirate, and the year of these consuls was one and the same year. This opinion, I find, Dodwell has embraced; and yet many arguments may be brought, both from our author and Livy, in opposition to it, and in support of That, which Dionysius has adopted; namely, that the year of this consulship was distinct from, and subsequent to, the last year of the decemvirate: Even Dodwell himself is forced to have recourse to two suppositions in order to maintain the computation of Varro; I call them suppositions, because they are not in fact founded on the authority of any author: The first is, that Valerius, and Horatius entered upon their magistracy on the ides of December of the Varronian year 305: And the second, that this year, which he says began on the ides of May in the Varronian year 304, comprehended 18 months. Nothing less than these two assumptions was necessary to support this opinion. I own indeed that the consuls of the year 312 entered upon their magistracy on the ides of December, as our author says expressly. From whence Dodwell concludes that Valerius, and Horatius entered upon theirs at the same time: His reason is, because Dionysius does not say that the former were the first consuls, who entered upon their magistracy on the ides of December. But, I think, this argument may be turned upon him: For, if, from the year 306,

as he contends, the ides of December had been the stated time for the consuls to enter upon their magistracy, our author needed not to have said that the consuls of the year 312 entered upon theirs on that day. But it is not improbable that these consuls were chosen later than usual; because, the year before, there had been first military tribunes, who, being deterred by some omens, abdicated their magistracy, after they had held it only seventy three days: Upon their abdication, the senate, according to custom, chose interreges, who referred it to the determination of the people whether they would chuse military tribunes, or consuls; and they resolving to chuse consuls, the patricians stood candidates for this magistracy, two of whom were chosen. All these things, I say, may probably, have occasioned the consuls of the following year to be chosen, and consequently to enter upon their magistracy later than usual. I shall, now, proceed to shew that the third, and last year of the decemvirate was complete before Valerius, and Horatius were chosen consuls, and consequently that the year of their consulship did not coincide with the last year of the decemvirate. There are many passages, both in our author, and in Livy, that insinuate this very strongly; but I shall only quote one from each, which do something more; they prove it. The first shall be taken from the speech of Virginus in ^d Livy,

^a B. xi. c. 63.

^d B. iii. c. 56.

by the plebeians against the patricians; which were inflamed by the daily harangues, and invectives of the tribunes against the senate. But the thing, which exasperated the plebeians the most, was a jealousy, confirmed by the artifice of the tribunes, and encreased by unavowed reports, and not a few conjectures, that the patricians designed to abolish the laws, which had been enacted by Valerius, and his colleague; and a strong opinion of this, which was little less than an assurance, possessed the minds of the people. These were the transactions of this consulship.

LI. The consuls of the following year were ³¹ Larus Herminius, and Titus Verginius, who were succeeded by Marcus Ge ³² * * * * *

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* * * * *

when he is accusing Appius: He tells him that he will pass over all the accumulated acts of wickedness, and injustice he had been guilty of *during two years*; *Omnium igitur tibi, Appi Claudii, quæ impie nefarieque per biennium alia super alia es ausus, gratiam facio.* These *two years* plainly relate to the two last of the decemvirate; because all authors agree that Appius had gained universal applause by his behaviour in the first year of his magistracy. If, therefore, he governed wickedly the two following years, he governed those two years. The next passage shall be taken from our author, where he says that the Romans abolished the decemvirate, after it had go-

verned the commonwealth during *three years*: ^e κατὰ λυσεσι Ῥωμαῖοι τὴν τῶν δεκά αρχὴν ETH ΤΡΙΑ τῶν κοινῶν ἐπιμεληθεῖσαν. If the decemvirate governed the commonwealth three years, the last year must have been complete, and consequently distinct from, as well as antecedent to, the year, in which Valerius, and Horatius were consuls.

³¹ Λαρεὸς Ἑρμίνιος. ^f Livy calls this consul Lar. Herminius, which the *Fæsti consulares* of Petavius explain by Larsius.

³² Here is another hiatus, which I shall likewise fill up by translating as much of ^g Livy, as will carry us to the next chapter.

^e B. xi. c. 1. ^f B. iii. c. 65. ^g B. iii. c. 65.

[“ The succeeding consuls, Marcus Geganius Macerinus, and Caius Julius, dispersed the cabals of the tribunes levelled against the patrician youth without impeaching the power of the former, and, at the same time, maintained the majesty of the senate. Levies having been ordered for the war against the Volsci and the Aequi, they restrained the people from seditions by forbearance; and also by representing to them that, when the city was quiet, every thing was quiet abroad; and that civil discord inspired foreigners with courage. Their care to maintain peace abroad was the cause likewise of tranquillity at home: But one order always insulted the modesty of the other. When the people were quiet, the young patricians began to oppress them; and, when the tribunes endeavoured to relieve the lower sort, their endeavours were, at first, of little effect; and, at last, even they themselves did not escape violation, especially during the last months of their office, since not only, through the cabals of the powerful, injuries were done, but also the force of every magistracy grows generally something more languid at the latter end of the year: And now the people derived some hope from the tribuneship, provided they could have tribunes like Icilius; since Those of the two last years had been only nominal tribunes. On the other side, the elder senators, though they might think their youth too fierce, yet they chose rather, if there must be some excess, that their own party should have too much spirit, than their adversaries: So difficult a thing is moderation in the defence of liberty, while every one, by pretending
to

to aim at an equality, exalts himself so far as to depress others; and men, by taking care to have nothing to fear, wantonly render themselves formidable: And thus we repel injuries from ourselves, and inflict them on others, as if there was a necessity either to do, or suffer them.

Titus Quintius Capitolinus for the fourth time, and Agrippa Furius, the consuls of the following year, received with their magistracy neither a domestic sedition, nor a foreign war; but both hung over their heads: For the civil discord could now be no longer repressed, both the tribunes, and the people being inflamed against the senate, since a citation of any one patrician always disturbed their assemblies with fresh contests. On the report of which, as at a signal, the Aequi, and Volsci took arms; being at the same time assured by their chiefs, who were desirous of plunder, that the levies, ordered two years before, could not be raised, because the people refused to obey those orders: “For this
“reason, they told them no armies had been sent against
“them; that the military discipline of the Romans was
“now dissolved by licentiousness; neither was Rome looked
“upon by them as their common country; that all the
“anger, and animosity they used to exert against foreigners,
“was turned upon themselves: And that this was the time
“to destroy those wolves, while they were blinded with their
“intestine rage.” They first desolated the territories of the Latines with their joint forces; and, after that, when none appeared there to defend them, the authors of the war now indeed exulting, they advanced to the very walls
of

of Rome near the Esquiline gate, laying waste the country in their march; and exposing to the view of the city, by way of insult, the devastation of her lands; from whence they drove their booty before them unpunished, and returned by a regular march to Corbio: When Quintius, the consul, called an assembly of the people; where, I find, he spoke to this purpose: “ Though I am conscious to
 “ myself of no crime, Romans, yet I am come to your as-
 “ sembly under the greatest confusion: That you should
 “ know, that posterity should know that the Aequi, and
 “ Volsci, who were, the other day, scarce a match for the
 “ Hernici, should, in the fourth consulship of Titus Quin-
 “ tius, have approach^d the walls of Rome in arms, with
 “ impunity. Could I have foreseen (though we have long
 “ lived in such a manner, such is the state of our affairs,
 “ my mind could presage no good) that this ignominy
 “ threatened this particular year, I should have avoided it,
 “ either by exile, or death, if there had been no other means
 “ of flying from this honor. Might then Rome have been
 “ taken in my consulship, if those arms, that were at our
 “ gates, had been in the hands of brave men? I had en-
 “ joyed a sufficiency of honors, and more than a sufficiency
 “ of life; and ought to have died in my third consulship.
 “ Whom then did the most dastardly of all our enemies
 “ despise? Did they despise us consuls? or you Romans?
 “ If the fault lies at our door, depose us, as unworthy;
 “ and, if that is too little, add chastisement to our depoli-
 “ tion: If at yours, may neither gods, nor men punish your
 “ errors,

“ errors, Romans; may you yourselves only repent of them!
“ But they neither despised your cowardise, nor relied on
“ their own valor; since, by being often routed, and put
“ to flight, dispossessed of their camps, amerced in their
“ lands, and sent under the yoke, they knew both them-
“ selves, and you. The discord between the two orders,
“ the contests between the senate, and the people are the
“ bane of this city: While neither we set bounds to power,
“ nor you to liberty, while you are dissatisfied with patri-
“ cian, and we with plebeian, magistrates, they took courage.
“ What, in the name of the gods, would you have? You
“ wanted tribunes of the people; we granted them for the
“ sake of union: You desired decemvirs; we suffered them
“ to be established: You grew tired of decemvirs; we
“ forced them to resign their magistracy: When you per-
“ sisted in your resentment against them, after they were
“ become private men; we allowed these most noble, and
“ most dignified persons to be put to death, and banished:
“ You desired that tribunes might again be created;
“ you created them: Though we saw the injustice that
“ would be done to the senate, if you chose consuls of your
“ own party; yet we have seen a patrician magistracy also be-
“ come a grant to the people: The protection of the tri-
“ bunes, the appeal to the people, the laws made by these
“ imposed on the senate, and the abolition of our rights,
“ under the pretence of rendering the laws equal, we have
“ suffered, and still suffer. What end will there be of our
“ dissensions? Shall we ever be allowed to have one city?
“ Shall

“ Shall this ever become our common country? We, who
 “ are conquered, are more willing to be quiet than you,
 “ who are conquerors. Is it not enough that you are for-
 “ midable to us? In opposition to us the Aventine hill is
 “ possessed; in opposition to us the Holy mountain is seized:
 “ But the Aesquilæ were near being taken by the enemy;
 “ and no man offered to repulse the Volsci, when they were
 “ scaling our ramparts. Against us you are brave; against
 “ us you are armed: Well then, after you have here besieged
 “ the senate house, rendered the forum terrible, and filled
 “ the prison with the principal men of the city, march out
 “ of the Esquiline gate with the same fierce spirit; or, if
 “ you dare not do even that, contemplate from the walls
 “ your lands laid waste with fire and sword, the booty
 “ carrying away, and your houses all over the country in
 “ flames, and smoking: However, the commonwealth
 “ suffers by these things; the country is ravaged; the city
 “ besieged, and the glory of the war transferred to our
 “ enemies. But, in what situation are your private affairs?
 “ Presently every one of you will receive an account of the
 “ losses he has sustained in the country: And what fund is
 “ there in the city to repair those losses? Will the tribunes
 “ return, and restore what you have lost? They will indeed
 “ be as lavish as you please of their voice, and their words;
 “ of invectives against our principal men; of laws upon
 “ laws, and of their harangues; but none of you ever re-
 “ turned home from those harangues improved in his cir-
 “ cumstances, in his fortune: Who carried back to his wife,

“ and children any thing but hatred, discontent, public
 “ and private animosities? From which you are always
 “ preserved not by your own virtue and innocence, but by
 “ the assistance of others. But so it is, when you served
 “ under us consuls, not under your tribunes, and in the
 “ camp, not in the forum, and your enemies trembled at
 “ your shouts in battle, not the Roman senators at Those
 “ in your assemblies, you acquired booty; took lands from
 “ the enemy; full of riches, and of glory both public and
 “ private, you returned triumphant home to your household
 “ gods: Now, you suffer the enemy to go away loaded with
 “ your own fortunes. Stand fixed to harangues, and live
 “ in the forum: But the necessity of fighting, which you
 “ would avoid, follows you thither. Did you think it a
 “ grievance to march against the Aequi, and the Volsci?
 “ The war is at your gates; if it is not repelled from thence,
 “ it will presently be within the walls; will mount both
 “ the fortress, and the capitol, and pursue you even into
 “ your own houses. Two years ago, the senate ordered
 “ levies to be made, and the army to march to mount
 “ Algidus; but we sit idle at home, quarrelling with one
 “ another like women; pleased with the present ease, and
 “ unable to discern that, from this short tranquillity, war
 “ will return manifold. I am sensible that another kind of
 “ language would be more agreeable to you than this:
 “ But, if my own temper did not admonish me to say such
 “ things, as are true rather than agreeable, necessity would
 “ compel me to it. I could wish indeed to please you,
 “ Romans,

“ Romans, but I chuse much rather to preserve you, what-
 “ ever may be your future disposition towards me. It is
 “ in the order of nature that a man, who speaks to the
 “ multitude from a regard to his own interest, shall please
 “ more than he, who has no other view but the public
 “ good; unless, perhaps, you think that these common
 “ flatterers, these fawners on the people, who suffer you
 “ to be neither in war, nor in peace, incite and inflame you
 “ for your own sake: When you are inflamed, you admi-
 “ nister either to their honor, or profit; and, because they
 “ find themselves inconsiderable every where while the two
 “ orders are united, they chuse to be the chiefs in a bad
 “ thing, rather than in none, in disorders, and seditions.
 “ If these things can, at last, give you a disgust, and you
 “ will exchange your new conduct for That of your an-
 “ cestors, once your own, I refuse no punishments, if I do
 “ not, in a few days, rout and put to flight these ravagers
 “ of our lands; take their camp, and transfer the terror of
 “ this war, with which you are now astonished, from our
 “ gates and walls, to their own cities.” It has seldom
 happened that the speech of a popular tribune was better
 received by the people upon any occasion, than the speech
 pronounced by the severest of consuls was upon this. Even
 the youth, who had been accustomed, amidst such terrors, to
 make use of their refusal to enlist themselves, as the sharpest
 weapon against the senate, now breathed war and arms;
 and the flight of the country people, some of whom had
 been stripped, and others wounded, by the relation they

made of more dismal havock than the citizens had beheld, inflamed them all with rage. When the senate was assembled, all turned their eyes upon Quintius, as upon the only assertor of the Roman majesty; and the principal senators said his speech was worthy of the consular dignity, worthy of the many consulships he had exercised, worthy of his whole life full of honors often borne, oftener deserved: That other consuls had either flattered the people by betraying the dignity of the senate; or, by maintaining the rights of that order with rigor, had rendered the multitude more impatient of controul: That, on the contrary, Titus Quintius had in his speech been mindful of the dignity of the senate; of the union of the two orders, and, above all, of the times. They besought him, and his colleague, to take charge of the commonwealth; they besought the tribunes to unite with the consuls in removing the war from the city, and their walls, and to prevail on the people to obey the senate in this article of danger: They said, their common country invoked the tribunes, and implored their assistance at a time when their lands were laid waste, and their city almost besieged. By general consent, the levies were decreed, and made. After the consuls had declared in the assembly of the people, “ that this was no time to inquire into the “ validity of excuses: That all the youth should appear in “ the Campus Martius the next morning by break of day: “ That, after the war was at an end, they would appoint a “ time to inquire into the excuses of those, who had not “ lifted themselves: And that all, whose excuses they did
“ not

“not allow, should be treated as deserters,” all the youth appeared the next day. Each cohort chose their own centurions; and two senators were placed at the head of every cohort. I find that all these things were performed with such expedition, that the ensigns being, the very same day, taken out of the arsenal by the quaestors, and brought into the field, were removed from thence at the fourth hour; and this new army, followed by some few cohorts of veterans, who served as volunteers, incamped at the tenth stone. The next day gave them a sight of the enemy; and they incamped close to them at Corbio. On the third day, the Romans being irritated with resentment, and the others with the consciousness of the guilt they had contracted by frequent revolts, and by despair, they engaged without delay. As in the Roman army there were two consuls with equal authority, the sole command was, by the consent of Agrippa, devolved on his colleague, which is a most salutary thing in the administration of great affairs: And the person preferred made a handsome return to the condescension of the man, who submitted to him, by making him a partaker both of his counsels, and his praises, and by putting one, who was inferior to him, upon a level with himself. In the battle, Quintius commanded the right wing, and Agrippa the left: The care of the center was committed to Spurius Postumius Albus, a legate: And to Servius Sulpicius, another legate, they gave the command of the horse: The foot on the right fought bravely, and the Volsci made no faint resistance. Servius Sulpicius with the horse broke through the center
of

of the enemy ; and, though he might have returned to his own people the same way, before the enemy could have restored their broken ranks, he thought it more advisable to charge them in the rear ; and, by attacking the enemy, when their backs were towards him, he would have dispersed them in a moment with the terror of this double assault, if the horse of the Volsci, and Aequi had not entertained him with a combat in his own way, and stopped him for a while. Then Sulpicius cried out, “ this was no time to hesitate ; “ they would be surrounded, and cut off from their own “ army, if they did not summon all their vigor, and put an “ end to this battle of the cavalry. Neither was it enough “ to make the enemy fly without loss of blood ; they ought “ to slay horse and man, that not one of them might return “ to the battle, or renew the engagement : That it was not “ possible the enemy’s horse could resist Those, before whom “ the close ranks of the foot had given way.” The men were not deaf to the orders of their general ; they routed the whole body of horse at the first shock ; threw many headlong to the ground, and pierced both the men, and the horses with their spears. Thus ended the battle of the cavalry : After that, they charged the foot, and sent the news of this action to the consuls, where the enemy’s line had already begun to give way : This news both increased the courage of the Romans, who were conquering, and struck terror into the Aequi, who were retiring. The first impression had been made in their center, where the furious charge of the horse had broken their ranks : Then
the

the left wing began to give way before Quintius, the consul. But their right gave the Romans most trouble: There Agrippa, exulting in his youth and strength, seeing every part of the action more successful than his own, began to point some of the ensigns, which he had snatched from their bearers, against the enemy, and even to throw others into the thickest of them: The soldiers, stung with the dread of this ignominy, fell on; by this means, the victory became equal on all sides. Then Quintius sent him word that he was victorious, and going to assault the enemy's camp; but would not break in, till he knew that the affair was over in the left wing also: And desired that, if he had then routed the enemy, he would join him, that the whole army might, at the same time, possess themselves of the booty. Agrippa, now victorious, advanced with mutual congratulation to his victorious colleague, and to the enemy's camp; where the few who defended it, being soon put to flight, they broke into the intrenchments without any resistance; and brought home the army enriched with a vast booty, having also recovered the effects, which the Romans had lost in the plunder of their country. I do not find that a triumph was either demanded by the consuls, or offered to them by the senate: Neither is there any reason assigned why that honor was * neglected, or not expected. As far as I can conjecture at so great a distance of time, since a

* The verbal analogy in Livy is, *spreti aut non sperati honoris*; which some of his readers may be pleased with: This analogy I have endeavoured to preserve in the translation; not because I thought it a *beauty*, but because I thought it my *duty*.

triumph had been refused by the senate to the consuls Valerius, and Horatius, who, besides their victory over the Volsci and Aequi, had also acquired the glory of putting an end to the war with the Sabines, these consuls were ashamed to demand a triumph for half the exploits of the others: They might also apprehend lest, if they had obtained it, a greater regard might seem to have been shewn to their persons, than to their merit. This glorious victory, obtained over their enemies, was disfigured by an inglorious judgment pronounced at home by the people, concerning the bounds of some lands belonging to their allies. The Aricini, and the Ardeates, having often fought for a tract of contested land, and being tired out with frequent mutual losses, referred their dispute to the arbitration of the Romans. When they came to plead their cause before an assembly of the people, convened by the magistrates for that purpose, the affair was debated with great warmth: After the witnesses were produced, the tribes called, and the people ready to give their votes, Scaptius, a plebeian and an aged man, rose up, and said: "If, consuls, I may be allowed to speak concerning the commonwealth, I will not suffer the people to be misled in this cause." The consuls saying that such a trifler ought not to be heard, and ordering him to be taken away, he cried out that the cause of the public was betrayed, and appealed to the tribunes: These, who are governed by the multitude oftener than they govern them, indulged the curiosity of the people, by giving Scaptius leave to say what he thought fit; who told them
"that

“ that he was in his eighty third year, and had served on
 “ the land in question, not when he was young, but in his
 “ twentieth campaign, when the war was carried on at
 “ Corioli: For which reason he spoke of a thing, that
 “ might indeed be obliterated by time, but was fixed in his
 “ own memory : That the land in dispute lay in the country
 “ formerly belonging to the Coriolani: And, after Corioli
 “ was taken, devolved by right of war on the Roman people
 “ in common. That he wondered with what decency the
 “ Ardeates and Aricini, who had never claimed any right
 “ to this land, while the city of Corioli was in prosperity,
 “ should expect to obtain it by surprize from the Roman
 “ people, whom, instead of acknowledging as owners, they
 “ had constituted judges. That the remaining part of his
 “ life was short ; however, that, old as he was, he could not
 “ forbear to claim that land by his voice at least, the only
 “ means in his power, which, when a soldier, he had con-
 “ tributed to take by his sword. And that he earnestly
 “ exhorted the people not to give sentence against themselves
 “ through an unprofitable modesty.” When the consuls
 found that Scaptius was heard, not only with silence, but
 also with assent, they called both gods, and men to witness
 that a most flagrant action was upon the point of being
 committed, and sent for the principal senators : In com-
 pany with these they addressed themselves to the tribes, and
 begged of them “ not to commit the worst of actions, and
 “ set a worse example, by converting a cause, in which they
 “ themselves were judges, to their own advantage ; especially

“ since, though it was lawful for a judge to take care of
 “ his own interest, the gain they would make by intercept-
 “ ing this land, was in no degree equal to the loss they
 “ would sustain by alienating, through this injury, the
 “ minds of their allies : For the loss of reputation, and credit
 “ was greater than could be estimated. Shall the deputies
 “ carry this home? Shall this be published? Shall our allies,
 “ shall our enemies hear this? With what grief will the
 “ former, and with what joy will the latter, receive it? Let
 “ not the people imagine that the neighbouring nations will
 “ impute this to an haranguing old man. The Scaptian
 “ family will indeed be rendered famous by the representa-
 “ tion of this exploit; but the Roman people will gain the
 “ character of an informer, and an interceptor of other mens
 “ claims : For what judge in a private cause ever acted in
 “ such a manner, as to decree the thing in controversy to
 “ himself? Even Scaptius himself, though now he has out-
 “ lived all shame, would not do this.”]

It appears by what Scaptius says presently in our author, that he asked the Ardeates, and Aricini some ques-
 tions, before the people gave their votes : To which questions Dionysius says they did not give any answer.

LII. They making no answer, but continuing dissatisfied,
 Scaptius again ascended the tribunal, and said: “ It is agreed,
 “ citizens, by your adversaries themselves, that they claim our
 “ lands without having any sort of right to them. Consider
 “ these things; and, in giving your votes, have a regard to jus-
 “ tice, and to your oaths.” While Scaptius was saying this,
 the consuls were ashamed to find that the event of this trial
 would

would prove neither just, nor decent, if the Roman people, after they had been chosen umpires by others, should take away the lands in question from the contending parties, without having ever claimed them before, and adjudge those lands to themselves: And many speeches were made both by the consuls, and the leading men of the senate, to dissuade the people from pronouncing this judgement; but in vain: For, when called to give their votes, they said it would be a great folly in them to suffer their own lands to continue in the possession of others; and that their decision of this cause would not be consistent with religion, if they should adjudge the contested lands to the Aricini, or the Ardeates, after they had sworn to adjudge them to those, whom they should find to have a right to them: Besides, they were angry with the contending parties for having chosen those, who were deprived of these lands, for their umpires, with this view, that they might not, even afterwards, have it in their power to recover their own possessions, which they themselves, as sworn judges, had decreed to others. The people, therefore, considering these things, and being full of resentment, ordered a ³³ third urn to be placed before every tribe on behalf of the Roman people,

33. Τρίτον—καδισκον. If the reader pleases to turn to the thirty second annotation on the tenth book, he will find an explanation of the word καδισκος. I expect, and hope that the following animadversion on le Jay's translation of this passage will be a parting blow. Unfortunately for him, Portus had said, *tertium jufferunt urnam*

in unaquaque tribu poni pro populo Romano. This he has translated, *le peuple voulut qu'on distribuât des urnes dans toutes les tribus, et que chacun pût donner son suffrage pour la troisième fois.* Here he has left out the material part; I do not mean, *ὑπὲρ τῆς πόλεως Ρωμαίων*, but, *pro populo Romano.*

into which they might put their billets: And the people of Rome was declared, by all the votes, to be the owners of the contested lands. These things passed in this consulship.

LIII. In the consulship of Marcus Genucius, and Caius³⁴ Curtius, the civil contests were renewed; the plebeians demanding that it might be lawful for all the Romans to be chosen consuls (for, till then, the patricians were the sole candidates for that dignity, and always elected in the assemblies by centuries) and all the tribunes of that year concurring to promote this measure, except Caius Furnius, they drew up a law concerning the consular elections, and published it, by which they left it, every year, to the determination of the people, whether patricians, or plebeians should stand candidates for the consulship. The senate resented this; and, looking upon the law as the ruin of their authority, resolved to hazard every thing rather than suffer it to pass; and both in the private, and public assemblies of all the patricians, great passion was expressed; invectives thrown out, and oppositions concerted; their whole body being violently exasperated against all the plebeians. Many speeches were made in the senate by the leading men of the aristocracy; and many in the assemblies of the people; the more moderate by such, as looked upon the plebeians to be misled by the ignorance of their interest; and the severer by those, who were of

³⁴ Κέρκιον. ^b Sigonius has shewn, in his notes upon Livy, that we must read *Curtius*, instead of *Quintius*, as he is called in the editions, and manuscripts. And, I find, this consul is called *Curtius* in the *Fasti consulares*.

^b B. iv. c. 1.

opinion that this attempt flowed from an insidious design, and from envy to their order.

LIV. While they were protracting the time in vain, messengers arrived from their allies, to acquaint them that the Acqui, and the Volsci were upon the point of invading them with a numerous army, and to desire they would send them immediate relief, as their country lay in the passage of the war. Those Tyrrhenians also, who are called Veientes, were said to be preparing for a revolt: And the Ardeates no longer obeyed them, being irritated at the Roman people for having, the year before, when chosen umpires, adjudged the contested lands to themselves. The senate, upon this intelligence, ordered an army to be raised, and that both the consuls should take the field: But the tribunes, who were bringing in the law, opposed the execution of these orders (for they have a power of opposing the consuls) by rescuing such of the citizens, as they were compelling to take the military oath; and by not suffering them to inflict any punishment on the disobedient: And, when the senate earnestly intreated them to lay aside their animosity for the present; and, when the wars were at an end, then to propose the law concerning the elections of the consuls, they were so far from yielding to the present juncture, that they said they would oppose every other decree of the senate also, and suffer none to be enacted, unless, by their previous vote, they would authorize the law they were bringing in: And they were so far transported, as not only to use these menaces to the consuls in the senate, but also to swear to the performance

formance of them, in the assembly of the people, by their faith, which with them is the most solemn of all oaths, to the end they might not be at liberty to revoke any of their resolutions, should they be convinced to the contrary.

LV. Alarmed at these menaces, the most ancient senators, and the leading men of the aristocracy held a private meeting at the desire of the consuls. When Caius Claudius, who was far from being a friend to the people, and had inherited these principles from his ancestors, advised them to carry things with a high hand, and not to admit the people either to the consulship, or to any other magistracy whatever: And, if any should attempt to act contrary to this determination, to reduce them by force of arms, should reason not prevail, without giving any quarter either to private persons, or to magistrates: For he said that all, who endeavoured to change the established customs, and to corrupt the ancient form of government, were aliens, and enemies to the commonwealth. On the other hand, Titus Quintius dissuaded them from restraining their adversaries by violence, or from invading the plebeians with arms, and shedding civil blood, particularly since they were sure to be opposed by the tribunes, whose persons their fathers had decreed to be holy, and all sacred, and made the gods, and genius's sureties for the performance of those engagements, and of the solemn oaths they had taken with imprecations both against themselves, and their posterity, if they transgressed a single article of that convention.

LVI. This advice being approved of by all the rest of the council, Claudius resumed his discourse, and said: “ I am not ignorant of how great calamities to us all a foundation will be laid, if we suffer the people to give their votes concerning this law: But, being at a loss what to do, and unable to oppose so great a number, I submit to your determinations: For it is just that every man should declare what he thinks will be of advantage to the commonwealth; and, after that, submit to the resolutions of the majority: However, as you are in a difficult, and involuntary situation, I shall give you this advice; not to admit either now, or hereafter, to the consulship, any but patricians, who are alone, both by religion and law, qualified for it: But, whenever you are reduced to the necessity, as at present, of communicating the greatest power, and magistracy to the other citizens, appoint consular tribunes, instead of consuls, and limit their number as you shall think proper. In my opinion, eight, or six will be sufficient; and, of these, let not the patricians be fewer than the plebeians: In doing this, you will neither debase the consulship by conferring it on mean, and unworthy men, neither will you appear to be forming unjust dominations for yourselves, by communicating no magistracy whatever to the plebeians.” All approving this opinion, and no one contradicting it, he added this: “ Hear now, consuls, the advice I give to you also: After you have appointed a day for passing the previous vote, and the resolutions of the senate, let all,

“ who

“ who desire to say any thing either in favor of the law, or
“ in opposition to it, have liberty to speak ; and, after they
“ have spoken, and it is time to ask the opinions of the
“ senators, begin neither with me, nor with Quintius, nor
“ with any one of the other ancient senators, but with Lucius
“ Valerius, who is the greatest patron of the people ; and,
“ after him, ask Horatius if he has any thing to say : When
“ you have taken their opinions, then desire us, who are
“ more ancient, to give ours. For my part, I shall deliver
“ an opinion contrary to That of the tribunes with the
“ greatest freedom, since this tends to the advantage of the
“ commonwealth. Now, as to ^{the} _{the} law concerning the
“ creation of consular tribunes, if you think proper, let
“ Titus Genucius propose it : For this motion will be the
“ most specious, and give the least suspicion, if introduced
“ by your brother, Marcus Genucius.” This suggestion
was also approved of. Upon which, they departed from the
council. This secret meeting inspired the tribunes with a
jealousy that it was calculated to bring some great mischief
upon the people ; since it was held in a private house, and
not in public, and they had admitted none of the tribunes to
partake of their counsels. After which, they also held a
meeting consisting of such persons, as were most in the
interest of the people, and prepared a counter-battery to
repel, and guard them against the insidious designs, which
they suspected the patricians would employ against them.

LVII. When the time was come for the previous vote to
be passed, the consuls assembled the senate ; and, after many
exhor-

exhortations to concord, and decency, they called upon the tribunes, who had proposed the law, to speak first; when Caius Canuleius, one of their number, advanced; and, without either shewing, or mentioning the justice, or advantage of the law, said, “ that he wondered at the consuls, “ who, after they had consulted, and determined between “ themselves what they were to do, had attempted to lay “ before the senate an affair, as unexamined, and requiring “ consideration, and then given every man who was willing, “ leave to speak to it; in which they had been guilty of a “ dissimulation unbecoming both their age, and the greatness “ of the magistracy, with which they were invested. He “ added that they introduced the beginnings of an evil administration by assembling secret councils in private houses, “ and in desiring not even all the senators to be present at “ them, but only those, who were most attached to their own “ party. He was less surprised, he said, that other senators “ were excluded from this domestic council; but astonished “ that Marcus Horatius, and Lucius Valerius, who had destroyed the oligarchy; were consular senators, and inferior to “ none in giving advice for the benefit of the public, were “ not thought worthy to be invited to this council, and could “ not imagine what just motive they had to exclude them; “ but he guessed they were influenced by this single reason, “ that, designing to propose wicked, and pernicious measures “ against the plebeians, they were unwilling to invite to these “ councils those, who were the greatest friends to the people; “ who would be sure to express their indignation at such
 VOL. IV. B b b proposals,

“ proposals, and not to suffer any unjust design to be formed
 “ against their interest.”

LVIII. These things being urged by Canuleius with great lamentation, and the senators, who had not been called to the consultation, resenting the indignity, Genucius, one of consuls, rose up, and endeavoured to justify himself and his colleague; and to appease their anger, by telling them, “ that
 “ they had desired their friends to assist at this consultation,
 “ not with any design against the people, but in order to consult with those they most confided in, in what manner they
 “ might appear to do no prejudice to either of the parties,
 “ whether they referred the consideration of the law to the
 “ senate sooner, or later. And that they had not invited Horatius, and Valerius to be present at the consultation for any
 “ other reason, than that the plebeians might not entertain
 “ an injurious suspicion of them, as of men, who had changed
 “ their principles, if they should have embraced the other opinion, which tended to put off the consideration of the law
 “ to a more proper season: But, since all, who assisted at the
 “ meeting, had been of opinion that the consideration of it,
 “ ought rather to be accelerated, than retarded, he would
 “ pursue their determination. Having said this, and called
 “ the gods to witness to the truth of what he said, he added
 “ that the senators, who had been called to that meeting,
 “ would clear themselves of every imputation, not by their
 “ words, but by their actions: For he assured them that, after
 “ all who should desire to speak in opposition to the law,
 “ and in favor of it, had given their reasons, he would first
 ask

“ ask the opinions, not of the most ancient, and the most
 “ dignified senators, to whom this privilege was due by the
 “ established custom, nor of those, who were suspected by the
 “ plebeians, as persons, from whose words, or thoughts they
 “ could expect no favor, but of the younger senators, whose
 “ affection to the people was the least doubted.”

LIX. After these promises, he gave leave to any one who desired it, to speak, and none offering either to censure the law, or to defend it, he rose up again; and, beginning with Valerius, asked him what he thought was most for the interest of the public, and what previous vote he advised the senate to pass. Valerius, rising up, made a long speech concerning both himself, and his ancestors, who, he said, had always been at the head of the plebeian party to the advantage of the commonwealth; and enumerated all the dangers from the beginning, which had been brought upon it by those, who pursued contrary measures, shewing that a hatred for the plebeians had been of no advantage to any who had professed it: He then said many things in commendation of the people, alledging that they had been the principal cause not only of the liberty, but also of the sovereignty, of the commonwealth. After he had displayed these reasons, and many others of the like nature, he ended with saying that no nation could be free, from which equality was banished; and that, for his part, he looked upon that law as just, which allowed all the Romans to aspire to the consular dignity, provided their lives were irreprehensible, and their actions worthy of that honor: But he thought this

was not a proper time to enter into the consideration of this law, when the commonwealth was disturbed with the apprehensions of a war: He advised the tribunes to suffer the forces to be raised, and not to hinder them, when raised, from taking the field, and also the consuls, after they had ended the war in the most successful manner, to lay before the people the previous vote of the senate in favor of the law, before they entered upon any other business: And he desired that these resolutions might now be drawn up, and consented to by both parties. This opinion of Valerius, which was supported by Horatius (for the consuls called upon him next) had the same effect upon all who were present: For those, who desired to throw out the law, though pleased to hear that the consideration of it was put off, were yet dissatisfied to find themselves under an obligation to pass a previous vote in favor of it, as soon as the war should be ended: While the others, who wished the law might receive the approbation of the senate, though glad that it was acknowledged to be just, were yet displeased that the previous vote was put off to another opportunity.

LX. This opinion, therefore, having caused a disorder in the senate, as might well be expected, since neither side was pleased with every part of it, the consul, rising up, asked, in the third place, the opinion of Caius Claudius, who seemed the most haughty, and the most powerful of all the leaders of that party, which opposed the plebeians: This man made a premeditated speech against them, in which he
enumerated

enumerated all the attempts they had ever been guilty of to subvert, as he thought, the glorious institutions of their ancestors: The end of this speech was, that the consuls should not refer the law in question to the consideration of the senate either now, or hereafter; since the intention of it was to destroy the aristocracy, and to confound the whole form of their government. This opinion having encreased the disorder, Titus Genucius, who was brother to one of the consuls, being called upon in the fourth place, rose up; and, after a short recapitulation of the present distresses, by which the commonwealth was reduced to the necessity of submitting to one of these two most grievous evils, either to strengthen the enemy through her own civil contests, and animosities, or, from a desire of averting the attacks of foreign enemies, to compose with ignominy a domestic, and civil war, he said that, since they were under a necessity of submitting unwillingly to one of these two evils, he thought it was less disadvantageous for the senate to suffer the people to usurp some part of their ancient authority, than to expose the commonwealth to the ridicule of foreigners, and enemies. Having said this, he proposed the opinion, which had been approved of by those, who had been present at the meeting held in a private house, and which Claudius had offered, as I said; which was, instead of consuls, to create tribunes with consular power, three of whom should be patricians, and three plebeians; and that, after these had completed the term of their magistracy, and the time was come to create new magistrates, the senate, and people should

should again assemble, and consider whether they would commit the government to consuls, or to consular tribunes: That the majority of votes should carry it: And that the senate should pass a previous vote upon this occasion, every year.

LXI. This opinion of Genucius was received with general applause; and almost all, who rose up after him, allowed that these were the best resolutions they could take: The previous vote, therefore, for carrying them into execution, being drawn up by order of the consuls, the tribunes received it with great joy, and proceeded to the forum. After which, they assembled the people; and, having given great commendations to the senate, they exhorted such of the plebeians as were willing, to stand candidates for this magistracy, together with the patricians. But ³⁵ there is so much levity in passions not founded on reason, and they incline so swiftly to the other side, particularly the passions of the multitude, that those, who, before, looked upon it as a point of the greatest consequence to partake of the magistracy, and if this was not granted to them by the patricians,

³⁵ Οὕτω δὲ ἀρεὰ κερδοῦν τι πραγμᾶ etc. If Dionysius had written his history with no other view but to flatter the Romans (as Mr. Beaufort, and several of his countrymen have thought fit to alledge) he would most certainly have attributed this behaviour of the people, not to their levity, but to their generosity. This I am the more justified in affirming, because ¹ Livy has, and, without flattery, I think, assigned a

more noble motive to the preference given by the people to the patricians: He attributes this preference to modesty, equity, and greatness of mind. But I shall transcribe his words, because I think them as beautiful, as his judgement is solid: *Hanc modestiam acquitatemque et altitudinem animi, ubi nunc in uno inveneris, quae tunc populi universi fuit?*

¹B. iv. c. 6.

were ready either to abandon the city, as they had done before, or to seize that privilege by force of arms, as soon as they had obtained this concession, they presently relinquished their fondness for it, and transferred their earnestness to the other side; so that, though many plebeians stood candidates for the consular tribuneship, and used the most earnest solicitations to obtain it, the people thought none of them worthy of this honor: But, when they came to give their votes, they chose the patrician candidates, who were all men of distinction; these were Aulus Sempronius Atratinus, Lucius Atilius Longus, and Titus ³⁶ Cloelius Siculus.

LXII. These were the first, who were invested with the proconsular power, upon which they entered in the third year of the eighty fourth Olympiad, Diphilus being archon at Athens; but they retained the possession of it only seventy three days; after which, they voluntarily resigned pursuant to an ancient custom, some heavenly omens opposing their continuance in the administration. After these had abdicated their power, the senate assembled, and chose interreges; who, having appointed a day for the election of magistrates, left it to the consideration of the people whether they desired to chuse consular tribunes, or consuls; and the people resolving to adhere to the ancient customs, they gave leave to such of the patricians as were willing, to stand candidates for the consulship; and two patricians were again elected consuls: These were Lucius Papirius Mugillanus, and Lucius Sempronius Atratinus, brother to one of the persons, who

³⁶ Κλοελίων. ^k Sigonius, in his notes reading, and not Κλονσιον, as it stands upon Livy, shews this to be the true in the editions.

^k B. iv. c. 7.

had resigned the consular tribuneship. These two magistracies, invested with the supreme power, were appointed at Rome the same year: However, both do not appear in all the Roman annals; but, in some, the consular tribunes only, in others, the consuls, and in a few, both of them; with which I agree not without reason, but confiding in the testimonies of the holy, and ³⁷ secret books. No transaction, either military, or civil, worthy the notice of history, hap-

³⁷ *Ἀποβιβίων βιβλίων*. I take these to have been the books, called by the Romans, *Linteï*; because Livy¹, in speaking of the magistrates of this year, says that the names of these consuls were not to be found either in the ancient annals, or in the books of the magistrates; but that Licinius Macer had written that their names were mentioned both in the treaty with the Ardeates, and in the *Linteï libri*, that were kept in the temple of *Juno Moneta*; *Licinius Macer auctor est, et in foedere Ardeatino, et in Linteis libris ad Monetae inventa*. By this it appears that these *ἀποβιβίοι βιβλίοι*, or *Libri Linteï*, were public records, and not the memoirs of some private families, as ^m Mr. Beaufort has advanced, in order to prove this extraordinary position, that the Roman history for the five first centuries was neither more, nor less than a romance. His way of reasoning will equally prove that every other ancient history, nay the history of the first ages of every nation, that either now subsists, or ever did subsist upon the face of the earth, is no better than a romance; with this difference, that the

history of the first ages of no nation in the world was ever delivered down to posterity by writers of so great parts, so much impartiality, and so much learning, as the history of the first ages of the Roman empire. But this kind of Pyrrhonism, revived by Bayle, has so much infected the French writers in Holland, that, if they go on, mankind will soon be brought to doubt whether the Persians invaded the Greeks under Xerxes, or the Greeks, the Persians; whether Alexander conquered Darius, or Darius, Alexander; and whether the Romans, at last, beat the Carthaginians, or these the Romans. But much worse consequences will result from this Pyrrhonism; the great examples of policy, of bravery, and of every other virtue, both public and private, by which the Romans, during the first five centuries, laid the foundation of their future grandeur, will lose their force, if they were never realized; and history will be deprived of the advantage she has over philosophy, which is That of teaching by examples.

¹ B. iv. c. 7. ^m Incert. de l'hist. Rom. p. 99.

pened in their consulship, except a treaty of friendship, and alliance entered into with the Audeates: For these, having laid aside their complaints on account of the lands they had been deprived of, had sent embassadors to desire they might be admitted into the friendship, and alliance of the Romans, and this treaty was ratified by these consuls.

LXIII. The following year, the people having voted that consuls should again be appointed, Marcus Geganius Maccrinus, for the second time, and Titus Quintius Capitolinus, for the fifth time, entered upon the consulship on the ides of December. These represented to the senate that many things were neglected by reason of the continual employment of the consuls in the field, and particularly the most necessary of all, the custom relating to the census, by which the number of such, as were of the military age, was known, together with the amount of their fortunes, in proportion to which every man was to furnish the supplies for the wars, there having been no census for seventeen years since the consulship of Lucius Cornelius, and Quintus Fabius: So that, the worthy, and useful men only were registered, and served in the armies, while the most profligate, and the most abandoned were left unregistered, and changed the places of their habitation, where they might live without controll. *

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The rest of the Greek text is wanting.

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F I N I S,

A D V E R T I S E M E N T.

I HAVE, in the course of my notes, so often censured authors for borrowing from others, without any acknowledgement, that I should expose myself to the same censure, if I did not acquaint my readers with the following fact. An ingenious clergyman in my neighbourhood, hearing the Preface to my work was printed, desired to read it; and, upon returning it, told me that the passage quoted by me from Plato, had been made use of by John Mason, M. A. in a small essay on the power of numbers, printed in 1749. This I had not the least suspicion of; and am very well assured that all, who know me, will believe me: but, for the sake of those, who do not, I shall lay Mr. Mason's words before them, and leave it to every impartial reader to determine whether the manner, in which I have treated this quotation, has the air of an original, or of a copy.

After giving the passage of Plato, Mr. Mason says, p. 25; "Here the two first feet are cretics, then follow two spondees, then a cretic, and lastly a bacchic: so that here again he uses both dissyllable, and trissyllable feet. And [by] his calling the three last syllables of the word *εὐμαρμένην* a cretic, it is plain he read it thus, *εὐμαρμένην*, without any regard to the accent on the penultima (*υῖ*)."

I do not understand why this gentleman calls *ποσειδων* a bacchic, when Dionysius, in scanning these measures, calls it *υποβαρχις* a hypobacchic; but this is a trifle. His observation upon the dactyl, dignified by Dionysius with the title of *σμενς*, *grand*, is much more exceptionable. Mr. Mason says, p. 10. "that of itself it is too light and feeble, and never fit to end a verse." He forgets that there are many odes in Horace, where every verse ends, not only with one dactyl, but with two: as his first ode addressed to Mæcenæ,

Mæcenæ, atavis edite regibus,

O et præsidium, et dulce decus meum.

And in that to the ship, which was carrying his friend Virgil to Athens,

Sic te diva potens Cypri,

Sic fratres Helenæ, lucida sidera.

But what shall we say to the first verse in the first chorus of *Œdipus Tyrannus* in Sophocles, which consists solely of dactyls?

Ω δις ἄδριπες Φαί, τις πότις

And two verses after, another,

Εὐδαίμωνι ποσειδων φέρουα,

Besides several others in the same chorus.

This shews how dangerous a thing it is for modern writers to emancipate themselves from the authority and practice of the ancients, and to hazard reflexions, that are supported by neither.



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- P**AGE 2. Line 14. For *betb.* Read *both.*
P. 4. L. 11. no comma after *Furius*.
P. 6. L. 14. after *army.* r. were.
P. 10. L. 11. f. consuls. r. consul's.
P. 21. L. 20. f. crowded. r. crouded.
P. 31. L. 18. f. the. r. that.
P. 47. L. 6. after being. r. then.
P. 54. last line f. cowardice. r. cowardise.
P. 59. L. 8. f. cowardice. r. cowardise.
P. 75. last line but two. f. mad. r. made.
P. 79. L. 17. after *showed.* strike out *them.*
P. 86. L. 21. f. power. r. authority.
P. 90. last line but one. f. cowardice. r. cowardise.
P. 92. last line but two. f. as. r. for.
P. 95. last line but two. no comma after *tend to.*
P. 107. L. 5. f. chafe. r. chace.
P. 123. L. 9. f. taken to. r. taken in.
P. 134. L. 6. f. sacrificed. r. sacrifised.
P. 136. L. 19. a comma after *oppressed.*
P. 141. L. 10. a comma after *insolent.*
P. 142. L. 18. f. when. r. where.
P. 155. last line but five. f. forces. r. troops.
P. 166. L. 4. f. administered. r. administred.
P. 167. last line. no comma after *arrived.*
P. 176. L. 16. f. wherever. r. whereever.
P. 180. L. 2. f. Ortona. r. Hortona.
P. 196. L. 3. after *of.* insert *the.*
P. 220. L. 10. f. the consuls. r. The consuls.
P. 227. L. 8. f. they. r. those persons.
P. 229. L. 22. no comma after *domestics.*
P. 230. L. 6. f. shores. r. fewers.
P. 240. last line but two. dele the first *of.*
P. 243. L. 7. f. secure. r. sure.
P. 249. last line. after *they.* r. had.
P. 251. L. 3. a comma after *Persons.*
 Ib. C. 1. L. 1. f. *Ἡγεμόν.* r. *Ἡγεμόν.*
P. 257. L. 10. no comma after *or.*
P. 262. L. 10. f. first rises up. r. rises up first.
P. 291. C. 1. L. 6. f. immemor. (in Romans)
 print immemor. (in Italics.)
P. 310. L. 16. f. body. r. corps.
P. 315. L. 1. f. cowardice. r. cowardise.
P. 317. L. 7. f. the legions. r. these legions.
P. 322. C. 1. f. their post. r. the post.
P. 323. L. 10. and 13. f. Duilius. r. Duillius.
 Ib. L. 11. f. thing. r. nothing.
P. 332. C. 1. last line. f. ejūcetoueque. r. ejicito-
 que.
P. 342. L. 8. f. Duilius. r. Duillius.
P. 358. L. 17. f. the foot. r. their foot.
P. 365. L. 14. f. the tribunes. r. those tribunes.
P. 366. L. 17. f. the. r. their.



